

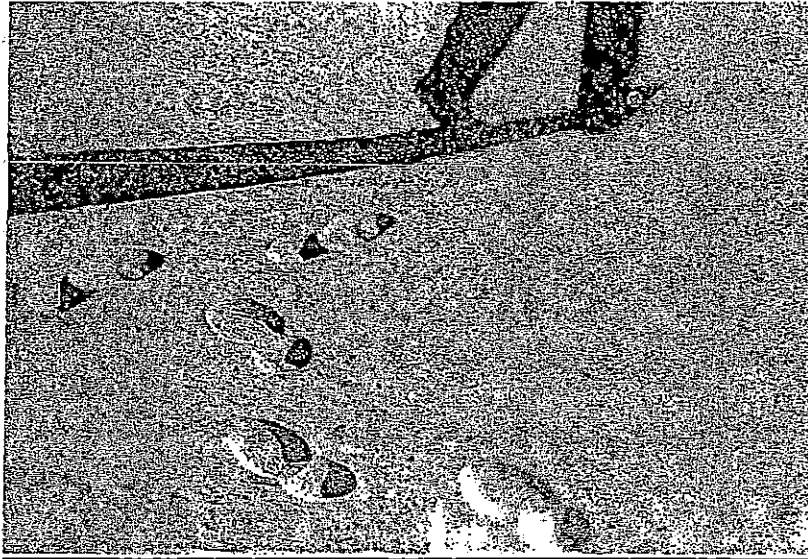
PACKET "P"

Parenting Plan

- Form 65P. Petition for Establishment of Permanent Parenting Plan
- Vital Statistics Form & Instructions
- Financial Affidavit and Request for Waiver of Fees
- Order Waiving Fees
- Form 66P. Petitioner's Proposal for Parenting Plan
- Form 68P. Confidential Report of Identification Information
- Form 69P. Summons
- Form 70P. Notice and Acknowledgment of Receipt of Summons & Petition
For Establishment of Permanent Parenting Plan
- Form 71P. Praecipe
- Form 72P. Statutory Notice to CSED
- Form 72aP. Acknowledgement by Attorney General
- Form 73P. DPHHS' Declination to Enter Proceeding as Party
- Form 74P. Acceptance of Service of Statutory Notice to CSED
- Form 75P. Cover Letter to CSED
- Child Support Guidelines Financial Affidavit
- Form 77P. Stipulated Parenting Plan
- Form 79Pa. Order Adopting Parenting Plan as the Final Parenting Plan
- Form 80P2. Findings of Fact, Conclusions of Law and Decree of Permanent
Parenting Plan (no Stipulated Parenting Plan)
- Form 80P. Findings of Fact, Conclusions of Law and Decree of Permanent
Parenting Plan (Stipulated Parenting Plan)
- Form 81P. Notice of Entry of Final Parenting Plan
- Form 105. Request for Entry of Default and Application for Default Judgment
- Form 106. Entry of Default

DISCLAIMER

Documents are not legal advice. These documents are adaptations of the documents distributed by the Montana Supreme Court Commission on Self-Represented Litigants and have been approved by the Judges of the 21st Judicial District. These documents do not constitute legal advice, and no information contained in these documents can be relied upon to replace the advice of competent legal counsel licensed to practice in Montana.



GOING IT ALONE

Many people with legal problems hire attorneys to help them. Some people cannot afford to hire attorneys. Others decide they can take care of their legal problems on their own. People who handle their legal problems without the help of attorneys are sometimes called "pro se" or "self-represented" litigants.

Attorneys are people who have legal training and are licensed to practice law. They can tell you the law that applies and the rules that must be followed. Attorneys have experience dealing with other attorneys, judges, court clerks, jurors, witnesses and other people who may be involved in your case. By choosing to represent yourself, you will be giving up the knowledge and experience that only an attorney can offer. You will also be giving up the advantage of having a professional advocate who can give you legal advice, go to court with you, and speak on your behalf.

The decision to go it alone can be hard to make and should never be taken lightly.

Is There a Way to Solve my Legal Problem Without Going to Court?

There is a process called **mediation** that you may be able to use to solve your legal problem without going to court. Mediation gives people a chance to sit down with a mediator in an informal setting to try to work out their problems. A mediator is a trained problem solver who will help you and the other side reach an agreement. Unlike a judge, a mediator will not make a decision for you. He or she will help you and the other side think of possible solutions that you can both agree on. Although mediators usually charge a fee for their services, mediation could save you time and money in the long run. Check with the Clerk of Court in your local courthouse for information about mediators in your area. You can also contact the **Montana Mediation Association** at 406-750-8813 or online at <http://www.mtmediation.org/>.



Is my Legal Problem Simple Enough to Handle Without an Attorney?

People without legal training may be able to handle simple legal problems on their own. However, representing yourself can be risky. Some cases are much more complicated than people think they are, and cases that are simple in the beginning may become complicated later on. It is harder for people who do not have legal training to figure out if a case is simple enough to handle without an attorney, especially if everything they know about the law they learned from watching television. Going to court is not as easy as it seems on T.V.

If you cannot afford to hire an attorney to help you with your case from beginning to end, you may be able to find an attorney who can help you with the difficult and important decision of whether you can go it alone. Keep in mind that an

attorney is trained to spot problems with your case that you may not think about, and to offer advice about how to avoid or solve those problems. If you make mistakes representing yourself, you may need an attorney to fix them. Hiring an attorney to fix mistakes after-the-fact can end up costing you more than having an attorney represent you from the beginning.

Will I be Able to Handle My Own Case?

Before deciding whether to go it alone, there are certain questions you should ask yourself. Your answers to these questions will help you decide whether you will be able to handle your case on your own.

- **Am I Good at Meeting Deadlines and Being on Time?**

If you decide to represent yourself, you will be expected to meet **deadlines** for filing paperwork and doing other things that need to be done at specific times to move your case along. You will also be expected to be on time for court hearings and certain meetings with other people involved in your case. Although a daily calendar with reminders of important dates can help, people with trouble meeting deadlines and being on time may need the assistance of an attorney to make sure that things are done when they are supposed to be done.

Important
DATE!

- **Can I Leave Work During the Day?**

You will need to be at the courthouse during the normal **workday** to file paperwork and be at hearings. There may also be meetings with other people involved in your case that you will have to attend. If you work during the day or if you do not have a way to get to where you need to be on time, you may want to consider hiring an attorney. Having an attorney represent you may mean that you will need to be away from work less often and that you will need to worry less about reliable transportation. If

you decide to go it alone, visit the courthouse ahead of time so you know how long it takes to get there. At the courthouse, look around so you know which courtroom you will need to be in. If court is in session when you visit the courthouse, sit in the courtroom and watch how other cases are handled. The more you know beforehand, the better prepared you will be when your court date arrives. You should also try to visit the places where meetings are going to be held before the meeting dates.

- **Can I Understand and Fill Out Complicated Forms?**

Court forms can be difficult to understand and fill out. You will need to read instructions carefully and make sure to follow them step-by-step. If you have trouble understanding, filling out and filing your own income tax forms, you will probably need help with **court forms**. This is something an attorney can do. There may also be community service organizations, legal service programs or self-help programs that can help you with your forms.



- **Do I Have the Time and Skill to Learn About the Law that Applies in my Case and the Rules that I Have to Follow?**

If you do not have legal training, you will probably not know the **law** that applies in your case or the **rules** that you have to follow. Finding that information will mean having to do research in a library or using a computer, which could take a lot of time and patience. You may also be unsure what forms you need to file to start your case and what you need to do to keep it moving along. There may be standard forms that you can find using a computer or get from the court, a community service organization, a legal service program or a self-help law program. However, you may still have questions about what you should do that only

an attorney can answer. If you do not have the time or skill to learn what you need to know about your case, you may not be able to represent yourself successfully. An attorney is trained to know the law that applies in your case and the rules that must be followed. An attorney is also trained to figure out the best arguments to make, which you may miss if you represent yourself.

- **Can I be Calm and Speak Clearly When I Attend Meetings and Go to Court?**

Being involved in a court case can be **difficult** and **stressful**. If you are angry with someone involved in your case or upset about what is happening, you may find it hard to control your emotions. If you represent yourself, you will have to go to court and you may have to attend meetings. When you are in court or at meetings, you will need to be calm and to speak clearly about your case. If you do not have an attorney, you cannot count on the judge or anyone else to help you out or to speak for you. If you decide to go it alone, you should make notes about what you want and why you should get what you want so you can explain yourself clearly. The court has a limited amount of time to hear what you have to say. If you do not make your points within the amount of time allowed, you may not get another chance. Be sure to practice your presentation with family and friends.



- **Do I Have Trouble with Rules that I Think are Unfair or that I Think Should Not Apply to Me?**

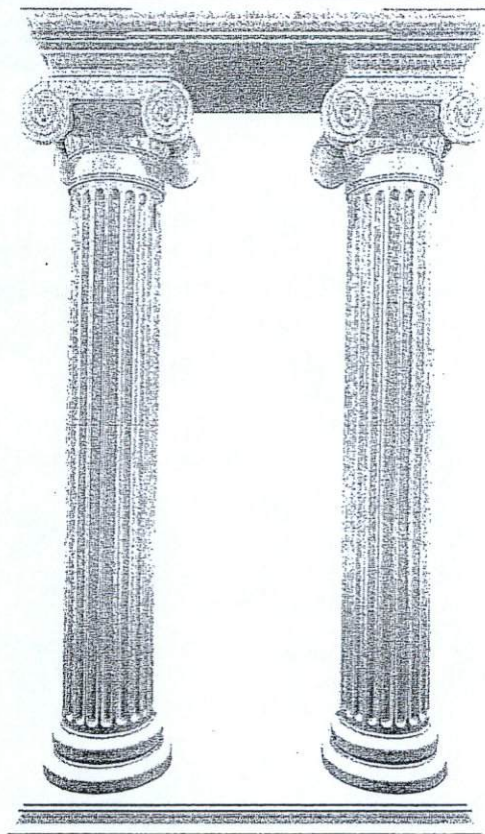
There are rules that everyone involved in a court case must follow. Although these rules may not make sense to you or may seem unjust, they are meant to make the case fair to both sides. Some people have trouble following rules that they do not understand or that they think are unfair. While you may be able to find the rules on your own, attorneys are

the only ones who are allowed to interpret the rules for you and tell you whether, how and why they apply in your case.

- **Can I Make a Decision and Stick to It?** Once you file paperwork, make a statement, or agree to something in a court case it is difficult to make changes. Any doubts or questions you have should be considered and answered before you act. An attorney can help you to get it right the first time.

If I Decide to Represent Myself, What will be Expected of Me?

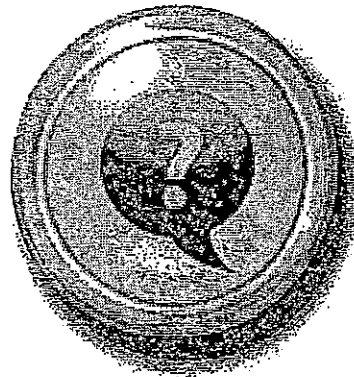
Before you decide to represent yourself, you should understand that there are certain things that will be expected of you. A "pro se" or "self-represented" litigant is held to the same **standards** as an attorney. You will not be treated differently or better because you decide to go it alone. You will be expected to understand and follow the same rules that apply to attorneys. If you do not follow the rules, you will be treated the same way that an attorney would be treated. This means that important issues in your case could be decided against you and in favor of the other side. It also means that your case could be delayed or dismissed. You could even be ordered to pay money or be prosecuted criminally if you violate the rules.



If I Decide that I Need an Attorney, How do I Find One?

If you decide that you need an attorney and cannot afford to hire one, you might want to ask a legal services program for help. In this state, **Montana Legal**

Services Association helps people who cannot afford attorneys and who meet certain income requirements. You can apply for assistance from Montana Legal Services Association over the telephone by calling 1-800-666-6899. If you do not qualify for help from Montana Legal Services Association, the State Bar of Montana can give you the names of attorneys in your area who specialize in the kind of case you have. This service is provided free of charge by the **Lawyer Referral and Information Service**, which can be reached by telephone at 406-449-6577. There may also be state or local organizations that can offer assistance if you cannot afford to hire an attorney. You can usually find these organizations by consulting the yellow pages of your telephone book or by using a computer to search the internet.



What Kind of Help can I Get from People Who Are Not Attorneys?

If you decide to go it alone, there are people who are not attorneys who may be able to help. However, there are many kinds of help attorneys can offer that people who are not attorneys cannot provide. Only attorneys can give you legal advice, which involves a discussion of how the law applies to the facts in your case.

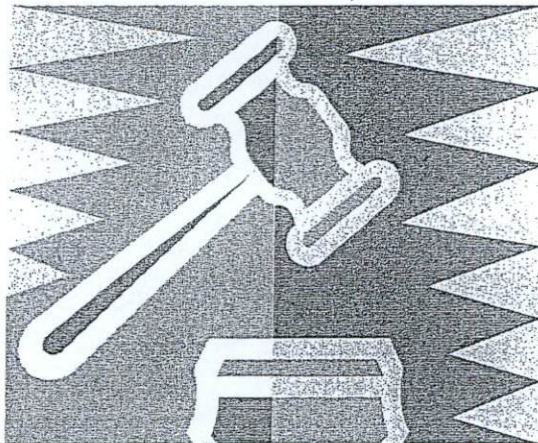
People who are not attorneys, like court clerks, law librarians and people who work in self-help programs can explain and answer questions about how the court works. They can also provide you with information about where to get help with legal problems; give you general information about court rules, procedures and practices; provide you with court schedules and information about how to get a case scheduled for a hearing; provide you with information from your case file; provide you with certain court forms and instructions; and answer general questions about court deadlines and how to compute a deadline in your case.

People who are not attorneys **cannot** tell you whether or not you should bring your case to court. Other things they cannot do include telling you what words to

use in your court papers; tell you what to say in court; give you an opinion about what will happen in your case; talk to the judge for you; let you talk to the judge outside of court; or change an order signed by a judge.

What Should I Expect When It Is All Over?

You must remember that a judge is not allowed to take sides in a case. Everyone must be given a chance to tell his or her side of the story. Almost no one who goes to court is completely happy with the way things turn out. If you and the other side cannot agree to settle your disagreement without going to court, be prepared for a decision that does not give you everything you want. The judge may have to decide a case in a way that makes no sense to you or that seems unfair. Keep in mind that the judge has to apply the law fairly to both sides and that everyone involved in the case is entitled to be treated with respect.



Montana Supreme Court Self-Help Law Program

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Introduction to Family Law in Montana

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DISCLAIMER

Information Not Legal Advice. This document has been prepared for general information purposes only. The information provided is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. Also, the law may vary from state to state, so that some information may not be correct for your jurisdiction. Finally, the information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of competent legal counsel licensed in your state.

Prepared by Montana Legal Services Association. Approved and distributed by the Montana Supreme Court Commission on Self-Represented Litigants.

Rev. 7/02

Warning

This packet and the forms which come with it were created for people who have simple, uncontested dissolution of marriage (commonly known as "divorce") cases. This means that you do not expect your spouse to fight with you over the dissolution, property, debts, or kids. These forms may not be appropriate if you have a complicated family law case or if your spouse might contest the dissolution. Even "simple" dissolutions can involve a lot of work. Many people have difficulty reading, understanding, and filling out the necessary forms by themselves. If you have difficulty understanding this packet or filling out the forms, you should speak to an attorney and should probably not try to file for a dissolution of marriage by yourself.

How do I know if my case will become contested?

There is no way of knowing for sure whether your spouse will contest all or part of your dissolution. Consider several factors:

1. Do you and your spouse disagree about where the children will live?
2. Do you disagree about how to cover the children's medical insurance?
3. Do you disagree on the division of property and debts?
4. Can you work out these differences without going to court?
5. Are you asking for severe restrictions on contact between the children and the other parent?
6. Does your spouse have the resources to hire a private attorney?

How do I know if my case is complicated?

If your dissolution involves any of the following issues, it may be too complicated to use these forms:

1. Pensions, retirement benefits, or profit-sharing plans;
2. A pending personal injury case involving you or your spouse;
3. Real estate that you or your spouse own with someone else or real estate located outside of Montana;
4. A family business;
5. A bankruptcy case filed by your spouse;
6. Complicated tax issues; or
7. Contested custody and/or child support issues.

Is there domestic violence involved?

If you or your children were victims of violence or abuse by your spouse, these forms may not be appropriate for you. Before proceeding, you may want to contact a private attorney or the Montana Legal Services Association (800-666-6124). If you need immediate help and would like to find a victim advocate near you, you may contact the

Montana Coalition Against Domestic and Sexual Violence (406-443-7794).

Where Can I Get Help?

State Bar of Montana Lawyer Referral Service- (406) 449-6577

The State Bar of Montana offers a free lawyer referral service which can help connect you with a private attorney to discuss your dissolution. They will attempt to select an attorney near you. The attorney will consult with you for up to ½ hour for not more than \$30. If you decide to hire the attorney to represent you, the additional fees and costs will be arranged between you and the attorney. You may reach the Lawyer Referral Service Monday-Friday between 9:00 a.m. and 4:00 p.m.

Montana Legal Services Association- (800) 666-6124

The Montana Legal Services Association provides free legal assistance to low-income persons. If you are eligible for services, Montana Legal Services may be able to give you advice on filing your dissolution.

How to Use this Packet

Read the Entire Packet:

You should read this entire packet before attempting to use any of the forms that come with it. This packet is designed to provide you with the basic information you will need to file your own dissolution and/or parenting case. You may need to go back to these sections from time to time as you are filling out the forms and proceeding with your dissolution.

Introduction to Family Law will give you an overview of family law in Montana. It briefly describes some of the issues involved in dissolution and parenting cases. Throughout this section you will see references to the Montana Code Annotated (M.C.A.). The M.C.A. contains the laws governing dissolutions and parenting plans and can be found in your local library or on the state law library web page at www.lawlibrary.state.mt.us. Most of the relevant laws are in Title 40, chapter 4. A typical reference will look like this: M.C.A. § 40-4-212. This means Title 40, chapter 4, section 212. Reading the actual laws may be helpful to you.

When you receive this packet, you should also be given a document entitled, How to

File for Dissolution of Marriage in Montana. If you are not married but are seeking to establish a parenting plan, the document will be called, *How to File for a Permanent Parenting Plan in Montana*. This document will list all of the forms you will need to fill out and will walk you through the steps you will need to follow in order to obtain your dissolution and/or parenting plan.

Introduction to Family Law in Montana

Dissolution of Marriage

Dissolution:

In Montana, the legal name for a divorce is a "dissolution of marriage."

The Parties to the Dissolution:

The wife and husband are called "the parties to the dissolution."

The **Petitioner** is the party who first asks the court for a dissolution. The Petitioner asks the court for a dissolution by filing a **Petition for Dissolution** with the court.

The **Respondent** is the other party.

Who Can File for Dissolution in Montana?

You only can get a dissolution in Montana if Montana has **jurisdiction** over your case. Montana has jurisdiction to rule on your dissolution if you have resided in Montana for at least 90 days prior to getting your dissolution (M.C.A. § 40-4-104).

If there are children of the marriage who are under 18 years old, the children must have resided in Montana for at least six months before you can file for a dissolution in the state. There are a few exceptions, but, generally, Montana courts do not have jurisdiction to make judgments regarding the children unless they have resided in the state for at least six months (M.C.A. § 40-4-211).

How the Court Decides if You Should Get a Dissolution:

The legal reasons you must show to get a dissolution are called the **grounds for dissolution**. In Montana, the ground for dissolution is "**an irretrievable breakdown in the marriage**" (M.C.A. § 40-4-107). When you ask the court for a dissolution, you

must state in the Petition that there is an irretrievable breakdown in the marriage. In order to show that there is an irretrievable breakdown, you must tell the court that either (1) you have lived separate and apart for 180 days prior to filing for the dissolution, or (2) there is serious marital discord which adversely affects the attitude of one of the parties (M.C.A. 40-4-104).

No Fault Dissolution:

In Montana you do not have to show that one person is at fault for the breakdown of the marriage. Your spouse does not have to agree to getting the dissolution, and you do not need to prove that there has been wrong-doing by one of the parties.

Other Issues Settled in a Dissolution Case:

A dissolution legally ends the marriage and changes your status from married to single. It also determines related issues that you should address in the Petition for Dissolution, such as:

1. Living arrangements for the children and what contact they will have with each parent;
2. Child support and medical support for the children;
3. Who will keep what property; and
4. Who will be responsible for which debts.

You will need to know something about each of these issues before you file for your dissolution. Each issue is explained in more detail below.

If your spouse disagrees over how one or more of these issues should be resolved, s/he may file an **Answer** or **Response** to your Petition. If your spouse answers your Petition, the case becomes a **contested** dissolution case.

Default Dissolution:

A default judgment is what the court awards you if your spouse does not answer your Petition for Dissolution. Your spouse, the Respondent, has 20 days to respond to the Petition after s/he is served with a copy of it. After 20 days, the Respondent's default can be entered by the Clerk of Court. You still will have to schedule a hearing and appear in court in order to obtain your Final Decree of Dissolution. If you get a default judgment, you will be granted everything you asked for in the Petition, as long as the court finds that your request is "equitable" (fair). If there are children, the court also must find that your proposed parenting plan is in the best interests of the children. The instructions included in this packet assume that your dissolution will be a default dissolution. If your spouse is likely to contest your Petition, and especially if s/he is

likely to hire a lawyer, these forms probably are not appropriate for you, and you should consult an attorney before proceeding.

Joint Dissolution:

If both you and your spouse can agree to all of the terms of your dissolution, including the parenting of the children and the division of property and debts, you may file for a joint dissolution. With a joint dissolution, both you and your spouse are Petitioners, and you both sign the Petition and the Parenting Plan. If you can agree to do a joint dissolution, the process of filing for a dissolution may be more simple.

A Note about Maintenance:

Maintenance (sometimes called "alimony") refers to money one spouse pays to the other, separate from child support. If you have been married to your spouse for several years, you lack the means to provide for your reasonable needs, and you are unable to support yourself through employment, you may want to request maintenance in your Petition (M.C.A. § 40-4-203). A request for maintenance usually is not appropriate in a default dissolution. If your spouse is likely to contest such a request, you should see a private attorney to represent your interests. The forms which come with this packet do not include a provision for maintenance.

Other Kinds of Legal Separation:

In addition to a dissolution of marriage, there are two other ways to change your marital status (neither of which are provided for in the set of forms which come with this packet. If you are interested in pursuing the options discussed in this section, you should speak to an attorney):

Declaration of Invalidity of Marriage: A declaration of invalidity of marriage is commonly known as an "annulment." It states that the marriage never really existed because it was based on some false understanding or information. There are only certain, specific circumstances under which an annulment can be granted in Montana (M.C.A. § 40-1-402).

Separation: If either party asks, and the other party does not object, the court will grant a decree of separation instead of a decree of dissolution. The requirements for a legal separation are generally the same as for a dissolution. However, a decree of separation does not end the marriage. You cannot legally remarry until the legal separation is first changed into a dissolution. After six months, either party may ask the court to change the decree of separation into a decree of dissolution.

Parenting

A Note About the Word "Custody":

Montana law no longer uses the words "custody" and "visitation." Instead, it uses "parenting" to promote the idea that both parents should be involved in the children's lives.

How Will Parenting Duties Be Decided?

In every dissolution and/or parenting case, the parents are expected to develop a **Parenting Plan** that explains where the children will live, how much time the children will spend with each parent, and how decisions will be made about the children. The parents may or may not agree about all of the terms of the plan. If the parents cannot agree, the judge will hear both sides and decide what is in the best interests of the children. The court will approve a Final Parenting Plan which is intended to protect the best interests of the children, clarify parental authority and responsibility, and help prevent future court action (M.C.A. § 40-4-234).

If you and the other party were married, you will ask for a parenting plan when you file your petition for dissolution of marriage. As a part of the dissolution, the court will address parenting arrangements for the children.

If you were not married to the other parent, you can file a "Petition to Establish a Permanent Parenting Plan." In this kind of case, the court will not address property or debts. It will only address parenting arrangements, child support, and medical support for the children.

What Are the Best Interests of the Child?

Montana law states that the court will decide parenting arrangements based on what it believes are the **"best interests of the child"** (M.C.A. § 40-4-212). These are some of the factors that the court considers when trying to determine what the best interests of the child are:

1. The wishes of the child's parents;
2. The wishes of the child;
3. The interaction of the child with the parents, siblings, and other persons who may significantly impact the child;

4. One parent's physical abuse or the threat of physical abuse against either the child or the other parent;
5. Chemical dependency or abuse by either parent;
6. Continuity and stability of care;
7. Developmental needs of the child; and
8. Whether a parent has knowingly failed to pay birth costs or child support that the parent is able to pay.

Preference for Both Parents to Participate in the Children's Lives:

In Montana, the law presumes that "frequent and continuing contact" with both parents is best for the children unless it is proven to the court that this is not true (M.C.A. § 40-4-212). If you want to restrict or limit contact with the other parent, you will need to tell the court why it is in the children's best interests to do so.

Paternity:

Montana presumes that a child born during the marriage is the biological child of the husband. If you are not sure whether the husband is the father of the child, you may want to separately establish paternity. If the parents of the child are not married, and one of the parties questions the paternity, you will need to establish paternity before getting a parenting plan. Paternity can be established by a court or administrative judgment, decree, or order (M.C.A. § 40-6-105).

If You Are Pregnant:

If you are pregnant and your spouse is the father, you will have to wait until you are no longer pregnant in order to use the forms that come with this packet. If you are interested in filing for a dissolution of marriage before your child is born, you should speak to an attorney.

If you are pregnant and your spouse is not the father, you must state this in your Petition. You may be required to establish paternity of the child before the court will grant your dissolution.

Things to Consider when Setting Up Your Parenting Plan:

Frequent and Continuing Contact: The court assumes that children should have "frequent and continuing contact" with both parents. It is not necessary for children to spend exactly equal amounts of time with each parent. However, when the children reside with one parent most of the time, the court expects that the other parent will be

allowed to have reasonable contact with the children.

Decision Making: If you anticipate conflicts over issues related to your children's upbringing, you can specify in the parenting plan which parent will make decisions regarding such things as the children's education, spiritual development, and medical care. The court assumes that each parent has the authority to make emergency medical decisions as well as day-to-day decisions while the children are residing with that parent (M.C.A. § 40-4-234).

Restricting Contact: If you believe that restricting contact between the children and the other parent is necessary, you can request certain conditions in your parenting plan. Examples are:

1. Supervised contact by an agreed-upon third party (e.g., a grandparent, a mutual friend, a social agency, etc.). In order to get supervised visitation from the court, you will need to explain why the supervised visitation is necessary to protect the children;
2. Advance notice of intent to visit with the children (e.g., 24 or 48 hours, one week, one month);
3. Canceling the visit if the other parent is more than 30 minutes late;
4. Requiring the children to remain in Montana unless otherwise agreed upon by both parents.

Exchanging the Children for Visits: If you and your spouse often get into disagreements, you might want to include specific information about how the children will be exchanged for visits. If your relationship with your spouse has been abusive, you might want to set up a meeting place for the exchange that is public and safe, such as the parking lot of a busy restaurant or shopping center.

Setting Up a Residential Schedule: Parenting plans can be general or very specific in stating where the children will be at different times. For example, the plan can state who the children will live with before the children start school, while they are in school, during summer and winter vacations, and for different holidays and other special occasions. The more specific you make your parenting plan, the less you and the other parent will be able to disagree over vague or unclear language. It also will be easier to enforce with the police or other officials if the other parent violates the plan. If you are worried about enforcing the plan, the police should be able to tell by looking at the plan where the children should be. For example, you should use language like, "the first and third weekends of the month from 5:00 p.m. Friday to 5:00 p.m. Sunday" rather than just "every other weekend." Do not use general language such as "reasonable visitation" if you are worried that the other parent will not follow the plan or that you will have disagreements over what "reasonable" means.

If a Parent Violates the Parenting Plan:

If one parent violates the plan by failing to pay child support or by failing to return the children at the agreed-upon time, the other parent is still obligated to follow the plan. Child support and visits with the children are separate issues. If a parent does not visit the children, s/he must still pay court-ordered child support. If s/he does not pay court-ordered child support, that parent is still allowed to visit the children. Contact with both parents and child support are considered *rights of the children*.

However, violation of the residential plan by one of the parents is punishable by contempt of court and can be a criminal offense. The offending parent can be subject to arrest and a fine of up to \$500 or imprisonment in the county jail (M.C.A. § 45-5-631). When the other parent has kept a child over the set visitation time, you can go to court and get an order holding the other parent in contempt for violating the parenting plan. You should then be able to get the police to help you get your child back. Keep a diary of problems with contact with the other parent. You can use the diary to give details in your statement or testimony to the court.

Updating the Court with Information:

Parenting plans must include a provision requiring both parties to update the court with changes to the following information (M.C.A. § 40-4-204):

1. Your Social Security number;
2. Your residential and mailing addresses;
3. Your telephone number;
4. Your driver's license number;
5. Your employer's name, address, and telephone number;
6. If the children are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the names of the persons covered; and
7. If the children are not covered, information about availability of coverage through the party's employer.

Dispute Resolution:

If you later decide to change the parenting plan, the Judge may order you to go through some form of dispute resolution before returning to court (M.C.A. § 40-4-219). You can specify in your parenting plan what form of dispute resolution is appropriate. You can ask that a mutual friend, a family pastor, or another agreed-upon third party mediate between you and the other parent. A few community agencies offer free or reduced cost mediation services.

Mediation is not appropriate in cases involving domestic abuse (M.C.A. § 40-4-219(9)). If there has been physical abuse or the threat of physical abuse by one parent against the

other parent or the children, court action may be the only appropriate way to change the plan.

Child and Medical Support

Child Support:

When the court establishes a final parenting plan, it also will order one or both parents to pay child support (M.C.A. § 40-4-204). If you already have a Child Support and Medical Support Order through the Montana Child Support Enforcement Division (CSED) or another appropriate agency, the court may simply refer to that Order and acknowledge it as valid.

If you do not already have a Child Support Order in place, the court will determine a child support amount based on Montana's child support guidelines. Computer software programs can do the complicated calculations automatically, and you may have to provide the court with the result of these calculations in a document called the Child Support Guidelines worksheet. You should ask the Clerk of District Court in the County where you are filing your Petition if they have a procedure for doing the child support calculations. You may also call the Montana Legal Services Association (1-800-666-6124) to find out if there is assistance available for running child support calculations in your area.

How is the Child Support Amount Determined?

The amount that the parents are asked to pay is based on what the court considers reasonable or necessary for raising the child. The amount is not affected by marital misconduct. It is based on the following factors:

1. The financial resources available to the child;
2. The financial resources available to each parent (income, pensions, etc.);
3. The standard of living the child would have had if the parents were still together;
4. The child's emotional, educational, and medical needs;
5. The age of the child;
6. The cost of day-care; and
7. How much time the child spends with each parent.

Financial Affidavit:

One important factor in figuring the child support amount is how much each parent is earning. Both parents should complete a Child Support Guidelines Financial Affidavit. You must sign this document in front of a notary, swearing that the information in it is true. You are also required to attach copies of your pay stubs or other documentation of your income. CSED or the court will use this information to do the child support calculations. If you do not already have a child support order, you will be required to file a copy of this affidavit with the court and serve a copy on the other parent as a part of your dissolution or parenting case.

How Does Unemployment Affect Child Support?

Even if a parent is unemployed, or if his/her earnings are not known, the parent is still responsible for paying child support. In general, the court assumes that everybody could be working 40 hours each week and earning at least minimum wage. This amount is therefore "imputed" to each parent. The court may impute higher than minimum wage if the parent's earning potential justifies it.

How Are the Child Support Payments Made?

Child support payments are generally made by automatic income withholding unless the court finds a good reason why income withholding is not appropriate (M.C.A. § 40-5-411). Income also can be withheld if the child support payment is delinquent (M.C.A. § 40-5-412). Support is considered delinquent if it is 8 days overdue. If you and the children are receiving public assistance under Temporary Assistance to Needy Families (TANF), the child support payments must be made through CSED.

Notifying the Child Support Enforcement Division:

If you are already receiving services from CSED, or if you receive public assistance under TANF, you must notify CSED that you have filed for a dissolution of marriage and/or parenting plan (M.C.A. § 40-5-202).

Medical Insurance:

Finally, every child support order also must include a provision about who will pay for the medical insurance and medical expenses of the minor children (M.C.A. § 40-5-805, 806, 807).

The general rule is that a parent who has medical insurance available through his or her employment must cover the children, if the insurance is available at a reasonable cost. If both parents have health plans, they may both provide coverage for the children. Sometimes the court will order both parents to pay premiums, deductibles, or other health care expenses based on percentages determined by the child support guidelines. For instance, one parent may have to pay one-third of the expenses, while

the other parent pays two-thirds. The obligation to provide medical insurance ends when the child support obligation ends (M.C.A. § 40-5-808).

Property

As a part of a dissolution of marriage, the court must decide whether the property that belongs to the married couple should go to the husband or the wife. You must designate in your Petition who should get what property. The court will **equitably distribute** the property and assets of the marriage (M.C.A. § 40-4-202). In deciding what is equitable, the court will consider a number of factors, including:

1. The duration of the marriage;
2. The age, health, occupation, income, vocational skills, estate, liabilities, and needs of both parties;
3. The parenting arrangements, if children are involved;
4. Whether maintenance has been granted;
5. The opportunity for both parties to acquire income and assets in the future; and
6. The contribution of a spouse as a homemaker to the family.

Declaration of Assets, Debts, Income, and Expenses:

Under Montana law, both parties to the dissolution are required to give the other party a list of their assets, debts, income, and expenses within 60 days of serving the Petition (M.C.A. § 40-4-252). This document is called the Preliminary Declaration of Disclosure of Assets, Debts, Income, and Expenses. If BOTH parties agree, the exchange of preliminary declarations of disclosure may be waived.

The law also requires the exchange of final declarations of disclosure by both parties before the case goes to trial or before the parties reach an agreement. However, if your spouse does not answer the Petition, and a default judgment is granted, you may waive the final disclosure requirements (M.C.A. § 40-4-257). Except in the case of a default judgment, the parties can NOT agree to waive the exchange of final disclosures.

Failure of either party to file a complete financial disclosure statement can authorize the court to accept the statement of the other party as accurate. Any deliberately false statement may subject a party to contempt of court, fines, or appropriate penalties.

Major Property:

Property such as houses or land are referred to as **real property**. If you have large assets to distribute in the dissolution, you should consider seeking the advice of an attorney.

In addition, married people might have a right to part of each other's pensions or retirement accounts. If you or your spouse have a pension or retirement account, you should consider seeking the advice of an attorney.

If you have cars or real property that you are dividing in your dissolution, you might want to ask in your Petition that one party remove his or her name from the title and deeds of the other person's property within 20 days of when the final decree is entered.

Personal Property:

Typically, dissolution papers list who should get which major pieces of property, and also state that each party is entitled to the personal property (such as clothing and personal items) "currently in his or her possession." If your spouse still has some of your personal property that you would like returned, be sure to state so explicitly in your Petition.

Temporary Economic Restraining Order:

While your dissolution is pending, both you and your spouse are prohibited from selling, hiding, or disposing of any property without the consent of the other person, "except in the usual course of business or for the necessities of life" or to pay attorney's fees (M.C.A. § 40-4-121). Both of you also are restrained from changing the beneficiaries of your insurance coverage while the dissolution is pending. This temporary restraining order on property is included in the Summons, the document that officially notifies your spouse that you are filing for a dissolution.

Debts

When you are drafting your Petition for Dissolution, you also should designate who should be responsible for which debts (also known as "liabilities") of the marriage. The Petition also should state that each party should be responsible for his or her own debts from before the parties were married and after the parties separated. If you think the court should make an exception to this, state the exception and the reason for it.

Be Specific:

It is important to be as specific as possible when describing your debts. For example, describe a credit card debt as "Capitol One Visa for \$200." Again, you are required to disclose all of your debts to your spouse in your Declaration of Disclosure (M.C.A. § 40-4-252). You might want to get a credit report prior to drafting your documents.

Creditors:

You are not responsible for the debts your spouse had before you were married or after you are divorced. However, creditors can collect from you on your joint debts of the marriage. These debts often include utility bills, credit cards, and contracts you both signed.

Notify joint creditors of your separation as soon as possible. Only you and your ex-spouse are parties to your dissolution. This means that creditors are not required to honor the court's division of debts. For example, if your spouse had medical bills during your marriage, creditors may still require you to pay them, even if the court orders your spouse to pay them. You may show the creditor your decree of dissolution and explain to them how to contact your ex-spouse, but, again, the creditor does not have to honor the division of debts outlined in your decree.

However, you can go back to the court which issued your decree and ask the court to hold your ex-spouse in contempt for failing to pay the bills as required in the decree. You will usually need a lawyer to do this.

Temporary Orders

(Provisions for Temporary Orders are not provided for in the set of forms which come with this packet. If you are interested in pursuing any of the temporary orders discussed in this section, you should speak to an attorney.)

Temporary Order of Protection:

If you feel that you or your children are in danger, you can file for a Temporary Order of Protection. A Temporary Order of Protection makes it illegal for the other party to have any contact with you and/or the minor children. The other parent may not come near you, call you, or threaten you. You can add specific language to protect you at school or work or any place that you often go.

District Court: If you are in the middle of filing for a dissolution or a parenting plan, any temporary orders that you file must be filed in District Court, where your dissolution

or parenting plan also will be heard. If you already have an Order of Protection in place from municipal or justice court, you should transfer the Order to District Court. In order to do this, you must file a Notice of Removal with the court who issued the Order.

For More Information: If you want more information about filing for a temporary order of protection, you should call a victim advocate in your area. To find a victim advocate near you, call the Montana Coalition Against Domestic and Sexual Violence at 1-888-443-7794.

Other Temporary Orders:

Interim Parenting Plan: You can ask the court for an Interim Parenting Plan to outline the living arrangements for the children while you are waiting for the court to issue the Final Parenting Plan. You may want an Interim Parenting Plan if you feel that your children are in imminent danger of being "snatched" by the other parent. You will probably need an attorney to handle this matter.

Temporary Maintenance: If you have been married to your spouse for several years and need temporary financial assistance, you may want to pursue a Temporary Maintenance Order. A request for maintenance usually is not appropriate in a default dissolution. If your spouse is likely to contest such a request, you may need a private attorney to represent your interests.

Temporary Child Support: If child support has not been established already and you need money from the other parent to take care of the children while your dissolution is pending, you can file a Motion for Temporary Child Support. Again, this might not be appropriate for an uncontested dissolution or parenting plan, and a private attorney may be necessary.

Temporary Family Support Orders: You also can request a Temporary Family Support Order which, if granted, is effective while your dissolution is pending. This order is not meant to eliminate orders for temporary maintenance or child support. A Family Support Order puts a "holding pattern" on the marital estate while property and debt issues are being decided. The Order gives the court the power to pay marital bills based on the income and assets of both parties. The court may order one or both parties to sell assets in order to pay bills, if necessary (M.C.A. § 40-4-121).

Post-Dissolution Issues

Remember to Follow the Decree:

When the court grants your dissolution, it will issue a "Final Decree of Dissolution" dissolving the marriage and resolving the issues raised in the dissolution. Keep a copy of the Decree and the Final Parenting Plan in a safe place. Make sure to follow the orders in the Decree, including:

1. Paying your portion of the marital debts as soon as possible; and
2. Making sure vehicle and other titles are signed over to the appropriate party.

If You Receive Support Payments Directly from the Other Parent:

1. Keep a written record of all payments; and
2. Make copies of all checks, and keep them in a safe place.

If You Changed Your Name as Part of the Dissolution:

1. Keep your conformed copy of the Decree as proof of the name change;
2. Notify the Social Security Administration (SSA) and complete the necessary forms to receive a new identification card;
3. Update your driver's license with the Department of Motor Vehicles;
4. Change your name on other important legal papers (e.g., powers of attorney, living wills, trusts, and contracts);
5. Notify other people and institutions with whom you have contact (e.g., friends and family, employers, schools, post office, banks, creditors, telephone and utility companies, insurance agencies, the Public Assistance office, etc.).

Some Tax Issues to Keep in Mind:

1. The IRS assumes that the parent who has the children most of the time is entitled to the exemptions, but parents are allowed to trade them back and forth, using IRS Form 8332.
2. Your marital status for tax filing is set as of the last day of the year. If you are still married on December 31 (and you file as of a calendar year, as most people do), you must file as married (either jointly or separately). If you are divorced as of December 31, you must file single (either as head of household or not).
3. Contact a tax professional if you have further questions or think you may be eligible for other tax credits.

If You or the Other Party Wants to Change a Parenting Plan Later:

Dispute Resolution: Look at your Final Parenting Plan to see if there is a section on Dispute Resolution. If you agreed to try mediation before going back to court, you should initiate mediation by following the process described in the plan. If the plan does not specify who should do the mediation, try to find a mediator who can do the mediation for you.

Modifying Your Plan through the Court: If you cannot work out your disagreements through mediation, or if your plan does not provide for mediation, you will probably need a private attorney to amend your plan through the court.

If You Decide to Move:

A parent is required to give the other parent 30 days written notice before making any move that will "significantly affect" the other parent's contact with the children (M.C.A. § 40-4-217). You must give notice by certified mail or personal service, and you must file proof of service with the court. You must include a proposed revised residential schedule with the notice.

Thirty (30) days notice gives the other parent time to ask the court to change the residential schedule. If you move to another state with your children without giving written notice to the other parent or getting the other parent's consent, you may be charged with "aggravated visitation interference." You could be fined up to \$1000 and imprisoned up to 18 months. You may also be held in contempt of court (M.C.A. § 45-5-632).

NINETEENTH JUDICIAL DISTRICT COURT

STATE OF MONTANA

LINCOLN COUNTY

512 CALIFORNIA AVENUE

LIBBY, MONTANA 59923

PHONE: (406) 293-8120 | FAX: (406) 283-2350

MATTHEW J. CUFFE
DISTRICT COURT JUDGE



DEBBIE KAMBEL
COURT ADMINISTRATOR
BARBARA J. BENSON
SENIOR LAW CLERK
(406) 283-2349

January 24, 2017

Dear self-represented party:

You are entitled to represent yourself in any lawsuit, including a dissolution case. However, it is not the Court's role to act as your attorney. Nor can Court staff spend a great deal of time helping you prepare legal documents. You must comply with deadlines and the forms you file must be accurate and complete.

For Decrees of Dissolution and Final Parenting Plans, it is important that you take care to complete those documents so that they accurately reflect everything you are requesting. You will have to live with what is contained in those documents for many years to come. The Parenting Plan must be understandable to you and the other parent and possibly to school and law enforcement personnel. Further problems can be avoided by taking the extra time to make sure your paperwork is complete and accurate before it is filed with the Clerk of Court or presented to the Judge. If the Decree of Dissolution or Parenting Plan refer to another document as being attached, make sure that it is, in fact, attached.

The Court has prepared various packets of forms to use for dissolutions in this District. Please use the packets prepared specifically for this District rather than the more generic ones available on-line. Instructions are included in each packet and should be diligently followed. My Law Clerk will review your paperwork before the hearing, and if it is incomplete or inaccurate, will ask you to complete or revise it. The Law Clerk cannot complete the forms for you or spend an inordinate amount of time guiding you through the forms. If you have difficulty understanding the instructions or the process, you may be referred to free or low cost resources for help, but such resources are severely limited. You do not have a right to have an attorney appointed to help you pursue a civil matter, including divorce. If necessary, enlist a friend or relative to help you complete the forms neatly and understandably.

Sincerely,

Matthew J. Cuffe
District Judge

TRICIA BROOKS
CLERK OF DISTRICT COURT

Lincoln County
512 California Avenue
Libby, MT 59923
406-283-2342
19thcoc@mt.gov

This list of web sites and agencies may be helpful to those deciding to
Represent themselves in the District Courts in Montana

MONTANA LEGAL SERVICES ASSOCIATION

1-800-666-6899
www.montanalawhelp.org
Apply on line at www.mtlsa.org

Monday-Friday: 9am-4pm

www.lawlibrary.mt.gov - forms

www.lincolncountymt.us - Departments – Clerk of District Court

Clerk of District Court's office has several packets available with forms for the Public regarding
Dissolutions, Parenting Plan, and Order for Protection at our office.

Montana-State of Family Services Dept.

406-293-3757

Self Help Law Program – located in Kalispell, Montana
Assists with filling out documents
1-406-758-2496

Child Support Enforcement
Missoula 1-406-329-5430
Helena 1-406-444-9767
1-800-346-5437

03-02-2016

INSTRUCTIONS & CHECKLIST PACKET "P" – PARENTING PLAN

I. STARTING THE PARENTING PLAN PROCESS:

There are various forms that will need to be completed. Take it step-by-step-- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a "heading" which identifies the party completing the form and a "caption" which sets out the case description. Fill out the heading and caption on every form. Because you filed for a parenting plan, YOU ARE THE PETITIONER. Note that you use ONLY your child(ren)'s initials and YEAR of birth on all forms except Form #68P.

Use your MAILING ADDRESS on all forms as that is the address the Court will use to mail you copies of orders, etc.

STEP 1. -- Filling Out The Forms

Use your mailing address on the top of all your pleadings as this is the address the Court will use to mail you court documents.

- ☐ Form #65P Fill in every section. Sign page 12 in two places in front of a notary public.
*** Please note: The Clerk of Court's Office cannot notarize these documents. One can be found at banks, law offices, etc.
- ☐ Stat. Form Montana State Case Registry and Vital Statistics Reporting Form: Complete.
- ☐ Fee Waiver Financial Affidavit and Request for Waiver of Filing Fees: Complete if you cannot afford the filing fees.
- ☐ Order Order Waiving Fees: Fill out caption and paragraph #1.
- ☐ Form #66P Fill in every section. Sign on page 11 in front of a notary public. If you need help developing a parenting plan, Section 4B of Introduction to Family Law in Montana addresses parenting.
- ☐ Form #68P Complete and sign. If you are currently receiving or previously received any form of public benefits (Medicaid, Food Stamps, etc.) during the lives of the children, you must send a copy of this document to the Montana Attorney General's office. You will also send a copy of this document to CSED. See Steps 5 – 7 below.
- ☐ Form #69P Complete and read. This is for the Clerk of District Court to sign. You will receive a copy.
- ☐ Form #70P If you think the other party will acknowledge receipt of the Petition and Proposed Parenting Plan, complete this Form. Make sure the documents are checked are the documents you are sending to the Respondent. Sign and date page 3. The other party will also sign page 3 to verify the documents were received. If you do not think the other party will cooperate by signing this form, see Step 4, service by Sheriff's office or process server.

STEP 2. -- Making Copies

- ☐ Make 3 copies of the Forms #65P (Petition) and 68P (Summons).
- ☐ Make 2 copies of Documents #66P (Parenting Plan) and 70P (Acknowledgment of Service).

STEP 3. -- Filing Your Case With Clerk of Court.

- ☐ Bring the originals and copies of every form filled out in Step 1 to the Clerk of District Court's Office for filing. The Clerk will assign a cause number to identify your case with the Court. One copy will be for your own personal records and one copy is for the other parent.
- ☐ \$200.00 Fee -- cash/money order/personal check (subject to change) unless you have requested a fee waiver. If the Judge approves your indigent status, your fees will be waived.
- ☐ The Clerk will file stamp all your documents (copies and originals). For most of the Forms, the Clerk will keep the originals and give you the copies. One set is to be retained by you. One copy is for service upon your spouse. You will be given the Original Summons for service on the Respondent.

III. SERVING THE PAPERS:

STEP 4. -- Serving the Other Party.

There are two ways to serve the copies of documents you have now prepared on the other party.

- 1) You can give the documents to the Sheriff for delivery. You will be charged a fee (unless you have a fee waiver). If you use this method, fill out Form 71P (Praecipe) which gives the Sheriff directions on who to serve and where to serve the papers. After service is made, the Sheriff will complete an Affidavit of Service and return it to the Court with the Original Summons.

Documents to Include With the Praecipe Given to the Sheriff's Office:
Copies of Forms 65P, 66P; original and copy of 69P

OR

- 2) You can mail the documents (copies of Forms 65P, 66P, 69P and 70P) to the other party. Include a stamped, self addressed envelope so the original Form 70P can be returned to you. The copy of Form 70P is for the other party to keep. File original Form 70P and ORIGINAL Form 69P with the Court. If the Respondent refuses to sign the Acknowledgment, you will have to have them served un 1) above. If you have not had your fees waived, you can request that the Respondent reimburse the service fee.

- ☐ **Form #105** If 21 days pass after service and the Respondent has not file a response to your Petition, complete this form and file it with the Court.

III. CHILD SUPPORT:

- ☐ You MUST complete Steps 5, 6, 7 & 8 (whether or not you are receiving public assistance and whether or not you currently have a child support order in effect from CSED).

STEP 5. -- Completing Child Support (CSED) Paperwork.

- ☐ **Form #72P** Complete and sign on pages 2 & 3.
☐ **Form #73P** Complete caption only.
☐ **Form #74P** Complete caption only.
☐ **Form #75P** Fill in date and sign letter to CSED.

STEP 6. -- Making Copies.

- ☐ Make 3 copies of Form #72P.
☐ Make 2 copies of Form #73P, 74P & 75P.
☐ Set aside one copy to keep for yourself.

STEP 7. -- Mailing CSED Paperwork.

- ☐ Mail the following to CSED:
Form #73P, 74P & 75P -- Originals
Form #65P, 68P and 72P -- Copy
☐ Mail a copy of Form #72P to the other parent.
☐ File original of Form #72P with the Clerk of Court.

STEP 8.-- CSED's Involvement.

- ☐ CSED will either decline to be involved, or request to participate as to child support issues.

IV. REACHING AGREEMENT:

STEP 9.-- Final Agreements.

- ☐ **Form #77P** It is best if you are able to reach an agreement between yourselves on parenting. If the other party agrees to your proposed parenting plan, you will ask the Judge to adopt your proposed parenting plan as the final parenting plan. If the other party does not agree to your proposed parenting plan, but the two of you can agree to a different parenting plan, complete Form #77P and both of you sign before a notary public.

It is not necessary that both parties appear at the hearing to enter the Stipulated Parenting Plan on the record. The Respondent may file a Consent to Entry of Final Parenting Plan.

If you cannot reach an agreement, you can request mediation with the Court's mediator. If you still cannot reach an agreement, you will have to appear at a trial before the Judge.

- ☐ If there is no child support order in effect, complete the Child Support Guidelines Financial Affidavit. File the original with the Clerk of Court. Keep a copy for yourself.

V. FINAL PAPERWORK:

STEP 10.-- Just a Little More Paperwork !!!

- ☐ **Form #80P2** If you have NOT filed a Stipulated Parenting Plan, complete the caption of this form. The Judge will sign this after the hearing.
- ☐ **Form #80P** If you HAVE filed a Stipulated Parenting Plan, complete the caption of this form. The Judge will sign this after the hearing.
- ☐ **Form #81P** Complete caption - do not sign. (You will sign later - see Step #14.)

If any of your paperwork is not complete, the Judge's Law Clerk will be in contact with you.

VI. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While custody cases can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues. At the trial, be prepared to question your witnesses, question the Respondent's witnesses and to present your documentary evidence to the Court and to discuss your position.

STEP 11.-- Court Hearing - on Contested Issues.

If the other parent does not agree with your proposed parenting plan and files a response in opposition to your Petition, the Court will issue a Scheduling Order setting the date for a Pretrial Hearing and the final contested hearing. The Pretrial Hearing will be scheduled approximately one month before the trial date. Both parties are required to appear at the Pretrial Hearing. You must have disclosed to the other party the witnesses and exhibits you intend to present at the trial and you must provide the other documentation as described in the Scheduling Order.

Or

STEP 11. -- Court Hearing - Final Decree - Non-contested

If you have reached a parenting agreement with the other party and filed a Stipulated Parenting Plan, a short hearing will be scheduled for the Judge to review your Stipulated Parenting Plan. Both parties can attend the hearing on the final decree, but it is NOT NECESSARY that both attend. You should be prepared to be sworn in, sit in the witness stand, and answer any questions asked of you the Judge.

VII. AFTER THE HEARING:

STEP 12. -- Final Paperwork.

- ☐ A filing fee of \$50 (subject to change) must be paid to the Clerk of Court before the Order Adopting Parenting Plan as Final is filed unless your fees have been waived.
- ☐ Copies of the Decree of Final Parenting Plan will be available at the Clerk of Court's office.
- ☐ Form #81P Complete, sign, and mail a copy to the other party, together with one certified copy of Form 80 or Form 80P as signed by the Judge with the attached Parenting Plan. File original Form #81P with the Clerk of Court.

Name

Mailing Address

City State Zip Code

Phone Number

PETITIONER PRO SE

Form 65P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initial)

minor child(ren);

Petitioner,

and

Respondent.

Cause No.: _____

**Petition for Establishment of
Permanent Parenting Plan**

Matthew J. Cuffe, Judge

The Petitioner respectfully submits the following:

1. Information about Petitioner

a. Name: _____

b. Age: _____ Year of Birth: _____

c. Address: _____

City: _____ State: _____

- d. Length of Residence in County:
- e. Length of Residence in Montana, if applicable:
- f. Occupation:

2. Information about Respondent

- a. Name:
- b. Age: _____ Year of Birth:
- c. Address:
City: _____ State: _____ County:
- d. Length of Residence in County:
- e. Length of Residence in Montana, if applicable:
- f. Occupation:

3. Relationship

The parties were never married.

4. Pregnancy

Choose One:

- ☐ The ☐ Petitioner/☐ Respondent is not pregnant.
- ☐ The ☐ Petitioner/☐ Respondent is pregnant. However, the ☐ Petitioner/
☐ Respondent is not the father, and the child is not at issue in this proceeding.

5. The Child(ren)

The Petitioner is the ☐ Mother/☐ Father and the Respondent is the ☐ Mother/
☐ Father of the following minor child(ren):

Name (use initials) _____ Year of Birth: _____

Address _____

Name (use initials) _____ Year of Birth: _____

Address _____

Name (use initials) _____ Year of Birth: _____

Address _____

Name (use initials) _____ Year of Birth: _____

Address _____

Name (use initials) _____ Year of Birth: _____

Address _____

If needed, attach additional sheets as Exhibit _____.

6. Jurisdiction over the Child(ren)

This Court has jurisdiction to make a parenting determination regarding the minor child(ren) listed above. Choose One:

- ☐ The child(ren) has/have lived in Montana for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in Montana since his/her birth.
- ☐ Montana was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in Montana.
- ☐ The child(ren) and one parent have had significant connections to Montana, and substantial evidence about them is available here.
- ☐ The child(ren) is/are physically present in Montana, and the child(ren) has/have been abandoned or an emergency exists requiring the child(ren)'s protection.

7. Required Information Regarding the Child(ren)

This proceeding will affect the custody of the minor child(ren) of the parties. The following information is required by M.C.A. § 40-7-110:

- a. During the last five years, the child(ren) have lived at the following places with the following persons. *List each place the child(ren) have lived, the dates the child(ren) lived there, and all person(s) with whom the child(ren) lived:*

Address	Dates	with Whom

Address	Dates	with Whom

List the names and present addresses, if known, of the persons listed above, other than Petitioner and Respondent, with whom the child(ren) have lived in the last five years:

Names	Present Address(es)

Names	Present Address(es)

If needed, attach additional sheet(s) as Exhibit ____.

b. Choose One:

☐ I have not participated as a party or witness or in any other capacity in any other proceeding concerning the custody of or visitation with the child(ren).

☐ I have participated as a ☐ party/ ☐ witness / ☐ other: _____ in another proceeding concerning the custody of the child(ren).

Court: _____ Case No.: _____

Date of Child Custody Determination: _____.

If needed, attach additional sheet(s) as Exhibit ____.

c. Choose One:

☐ I know of no other proceeding that could affect the current proceeding.

☐ The following proceeding could affect the current proceeding:

Nature of Proceeding: _____

Court: _____ Case No.: _____

If needed, attach additional sheet(s) as Exhibit ____.

d. Choose One:

☐ I know of no other person (not a party to this action) that has physical custody of the child(ren), or who claims rights of legal custody, physical custody or visitation with the child(ren).

☐ The following person(s) have physical custody of the child(ren) or claim rights of legal custody, physical custody or visitation with the child(ren):

8. Parenting Plan

It is in the best interest(s) of the minor child(ren) that the Court adopt the Petitioner's Proposed Parenting Plan, filed separately from this Petition.

9. Child Support Order

Choose One:

☐ Child support in the amount of \$ _____ per month per child has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached hereto as Exhibit _____. *(Skip to Number 10.)*

or

☐ The ☐ Petitioner/ ☐ Respondent needs financial assistance from the ☐ Petitioner/ ☐ Respondent to support the minor child(ren) and requests that the Court enter the following proposed Child Support Order:

a. The ☐ Petitioner/ ☐ Respondent shall pay \$ _____ per month per child. This amount was determined in accordance with the Montana Child Support Guidelines, worksheet attached hereto as Exhibit _____.

b. The first payment is due the _____ day of _____, 20____. Payments should continue until such time as each child reaches the age of 18 years and has completed high school, or attained the age of 19 years, or is emancipated by court order, whichever shall first occur.

c. On or before the first of every month, payments should be made to (Choose One):

☐ The Child Support Enforcement Division. Immediate income withholding is appropriate. The ☐ Petitioner's/☐ Respondent's income is subject to immediate income withholding under M.C.A. Title 40, Chapter 5, Parts 3 and 4.

☐ ☐ Petitioner/☐ Respondent. This child support order should be exempt from immediate income withholding because _____

or

[] Clerk of Court. This child support order should be exempt from
immediate income withholding because

- d. The Petitioner requests that the following warning be included in the Final Child Support Order:

WARNING: If a parent is delinquent in payments, that parent's income may be subject to income withholding procedures under MCA Title 40, Chapter 5, without need for any further action by the Court. Support is delinquent when it is 8 days overdue.

- e. Whenever the case is receiving services under Title IV-D of the Social Security Act, support payments must be paid through the Department of Public Health and Human Services Child Support Enforcement Division as provided in M.C.A. § 40-5-909.
- f. This order is subject to review and modification by the Department of Public Health and Human Services upon the request of the Department or a party under M.C.A. §§ 40-5-271 through 40-5-273, when the Department is providing services for enforcement under Title IV-D of the Social Security Act.
- g. The obligations to provide financial child support, provide medical care for a child, and provide or comply with parenting arrangements shall be independent of each other, and the failure or inability to provide one or more shall not reduce any other obligation.
- h. Each party should promptly inform the Court of any changes in the following information:
- (i) Name, social security number, mailing address, residential address, telephone number, and driver's license number; and
 - (ii) Names, addresses, and telephone numbers of current employers.
1. The Petitioner requests that the following warning be included in the Final Child Support Order:

WARNING: In any subsequent child support enforcement action, on sufficient showing of diligent efforts to locate the party, due process requirements for notice and service may be met by delivering written notice by regular mail to the last address of the party or the party's employer reported to the Court.

10. Medical Support Order

Choose One:

- ☐ A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached hereto as Exhibit _____. (*Skip to Number 11.*)

or

- ☐ Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. The Petitioner requests that the Court adopt the following Medical Support Order:

Existing Coverage

Choose All That Apply:

- ☐ The child(ren) are presently covered under the following insurance plan:
Carrier Name:
Policy No.:
The ☐ Petitioner/☐ Respondent shall continue to provide medical coverage through the plan as long as it is available at a reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- ☐ The child(ren) is a/are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).
- ☐ The child(ren) are not covered under an existing insurance plan.

Contingency Medical Support

If the minor child(ren) are either (i) covered by Medicaid, (ii) are not covered under an existing insurance plan, or (iii) if the existing coverage becomes no longer available, the following provisions shall apply:

- a. The Petitioner shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- b. The Respondent shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- c. If health benefit plans are available to both parties at a combined cost that is reasonable or cost-beneficial and with benefits that are complementary or compatible as primary and secondary coverage, both parties shall provide coverage for the child(ren).
- d. Coverage is presumed to be available at reasonable cost if the cost of premiums does not exceed 25 percent of the obligated party's total child support obligation when calculated under the child support guidelines without credit for the medical support obligation.
- e. If circumstances change and a party believes that corresponding changes in cost are not reasonable or cost-beneficial, the party may move to petition any appropriate tribunal for relief.

Duties of the Parties

- a. The Petitioner shall be responsible for ____% and the Respondent shall be responsible for ____% of all medical expenses of the minor child(ren), including the costs of the premium for coverage, all co-payments and deductibles required for coverage, and any uncovered medical expenses.
- b. Each party shall promptly execute and deliver to the insurance provider all forms necessary to ensure the child(ren)'s continuous participation in insurance coverage. Each party shall timely submit claims for processing, verification, and payment. Each party shall provide the other party with identification cards or other methods for access to coverage.

- c. If a party receives a reimbursement but did not pay the underlying bill, that party shall promptly pay over the proceeds to the proper party.
- d. If the party responsible for providing medical insurance coverage for the child(ren) allows such coverage to lapse without securing a comparable replacement, that party shall be liable for all the child(ren)'s medical expenses and shall indemnify the other party, the Department of Public Health and Human Services, or any third-party custodian for the cost of obtaining medical coverage and medical expenses.
- e. Any liability for unpaid medical costs and expenses may be entered as a judgment for unpaid support against the obligated party. A party may apply to the Court for expedited enforcement procedures.
- 6. If an obligated party fails to pay a required premium, the other parent, the Department of Public Health and Human Services, or the custodian may advance the cost of premiums and keep benefits continually in force for the child. The advance should be entered as a judgment for unpaid child support in favor of the advancing party and against the obligated parent.
- g. The obligation to provide medical coverage for the child(ren) ceases only when the child support obligation ceases.
- h. The costs of providing individual insurance or a health benefit plan may not be used as a direct offset to the child support obligation. However, as provided by the child support guidelines, the costs may be considered in making or modifying a child support order.
- i. Each party shall promptly inform the Court of any changes in the following information:
 - (i) If the child(ren) is/are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the name(s) of the person(s) covered;
 - (ii) If the child(ren) is/are not covered by a health or medical insurance plan, whether health insurance coverage for the child(ren) is available through the party's employer or other group, and if

so, whether the employer or other group pays any portion of the coverage premium.

- j. A civil penalty not to exceed \$25 per day may be imposed for an intentional violation of this medical support order or the provisions of M.C.A Title 40, Chapter 5, Part 8 or the regulations promulgated under that Part.
- k. The Petitioner requests that the following warning be placed in the Final Child and Medical Support Orders:

WARNING: The obligations to provide medical care, provide financial child support, and provide or comply with visitation and custody arrangements are independent of each other, and the failure or inability to provide one or more does not reduce any other obligation.

11. Notice to the Department of Public Health and Human Services

Choose One:

- ☐ The Department of Public Health and Human Services is not providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act.
- ☐ The Department of Public Health and Human Services is providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act. The Petitioner will notify the Montana Child Support Enforcement Division and the Office of the Attorney General of this proceeding.
- ☐ Not applicable. The Petitioner is not seeking to establish, enforce, or modify the parties' previously established child support order.

12. Other Provisions

WHEREFORE, the Petitioner requests as follows:

1. That this Court adopt the Petitioner's Proposed Parenting Plan, filed separately from this Petition;
2. That a Child Support Order be established, if requested above;

3. That a Medical Support Order be established, if requested above;
4. Other Provisions: _____; and
5. For such other and further relief as the Court deems just and proper.

DATED this _____ day of _____, 20__.

Petitioner Pro Se

Print Name

STATE OF MONTANA)
): ss
COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is the Petitioner in the above-entitled proceeding; that he/she has read the foregoing Petition and knows the contents thereof; and that the matter, facts and things stated therein are true to the best of his/her knowledge and belief.

Petitioner Pro Se

Print Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__.

(Seal)

Name (*printed*): _____
Notary Public for the State of Montana.
Residing at _____
My Commission Expires _____

State of Montana Case Registry and Vital Statistic Reporting Form
Department of Public Health and Human Services

INSTRUCTIONS

Order Information: Check the box that most accurately describes the type of order being entered. If it is dissolution of marriage, enter the place of marriage and indicate if child support is ordered. Temporary support orders and paternity orders that contain child support are categorized as "child support order, without dissolution." "Child support order" includes medical support orders. If the order does not contain a child support order, social security numbers of the parties are not required and only Parts 1, 2 and 9 needs to be completed.

Parts 1 and 2: Provide information about the parties to the order. If there is a child support order, be sure to check the box that shows whether the party owes support (payor) or will receive support (payee). If a party is ordered to both pay and receive support, check the box labeled "both." If there is no support order, check the box labeled "N/A" for not applicable. If a party is ordered to pay \$0 support, that party should be considered a payor.

Part 3: Provide information about the children named in the order and indicate which parent or other party the children live with. If the parenting plan provides for shared residential parenting, circle "B" for both. If a child is not living with either parent, circle "O" and list the child's name and address.

Part 4: Complete this part if support is ordered to be paid to an agency or an individual other than a parent.

Part 5: Indicate whether any of the parties are protected from each other by a protective or restraining order. If yes, list the names of the protected parties. This includes any protected children.

Part 6: Provide information about the employment or other source of income of the party who is ordered to pay child support. If both parties are ordered to pay support, skip Part 6 and complete Part 10 instead.

Part 7: Provide information about the support order. Check the type(s) of support ordered and enter the amount and how often it is due. (Example: \$100 per week.) All orders should have a "begin" date; many will not have an "end" date. If both parties are ordered to pay support, skip Part 7 and complete Part 11 instead.

If the order enters a judgment for past due support, show the total amount of the judgment. If the judgment includes amounts for penalties, fees or interest, list those amounts on the appropriate lines.

List any special conditions of the support order. (Example: support is due until the child graduates from college.) Copy the information requested about the guidelines to this form from the guidelines worksheet.

Part 8: Provide information about health insurance coverage for the children. If insurance is not provided, indicate whether it is available through the employer of either parent. Relationship of the party providing insurance is the party's relationship to the children. (Example: mother, father, mother's spouse, father's spouse.)

List the terms and conditions of the insurance coverage. (Example: 80/20 plan, \$500 deductible, major medical only.)

Part 9: Provide information about the person completing this form.

Part 10: Employment information for multiple payors. Complete only if both parties are ordered to pay support. See Part 6 instructions.

Part 11: Order information for multiple payors. Complete only if both parties are ordered to pay support. See Part 7 instructions

STATE OF MONTANA CASE REGISTRY AND VITAL STATISTICS REPORTING FORM

(See instructions on first page)

County/Tribe _____ Judicial District No. _____ Cause No. _____

Date Decree/Order Signed _____

☐ Dissolution of Marriage

County that Issued Marriage License: _____

City, County, State of Marriage: _____

Date of Marriage: _____

☐ With Child Support Order

☐ Without Child Support Order (complete Parts 1, 2 & 9 only)

☐ Modification of Child Support Order

☐ Child Support Order, without Dissolution (Includes Temporary Support Orders and Paternity Orders with Child Support)

☐ Legal Separation with Child Support Order

☐ Dependent Neglect/Juvenile Delinquency

☐ Invalid Marriage-Specify Legal grounds for Action: _____

1 Spouse/Parent 1: ☐ Payor ☐ Payee ☐ Both ☐ N/A Former Name: _____

Name: _____ Last _____ First _____ Middle/Suffix _____ SSN _____ Telephone#: _____

Mailing Address: _____ Street _____ City _____ State _____ Zip _____

Residential Address (if different from above): _____

Date of Birth: _____ Place of Birth: _____ Race: _____ State/Foreign Country _____

Driver's License#/State _____ Occupation: _____

Number of this marriage (1st, 2nd, etc.): _____ Date, City & State of previous marriage(s): _____

2 Spouse/Parent 2: ☐ Payor ☐ Payee ☐ Both ☐ N/A Former Name: _____

Name: _____ Last _____ First _____ Middle/Suffix _____ SSN _____ Telephone#: _____

Mailing Address: _____ Street _____ City _____ State _____ Zip _____

Residential Address (if different from above): _____

Date of Birth: _____ Place of Birth: _____ Race: _____ State/Foreign Country _____

Driver's License#/State _____ Occupation: _____

Number of this marriage (1st, 2nd, etc.): _____ Date, City & State of previous marriage(s): _____

☐ Other Payee: If support is to be paid to another payee, check here and complete Part 4.

3 Names of Children Included in the Support Order:

Last	First	Middle	Date of Birth	Gender	SSN	Residence of Child

If any of the above-named children are not residing with a parent, list the child's name and address:

4 Other Payee:

Name of person/agency owed support if not a parent: _____

Last Name or Agency

First Name

Middle

Mailing Address: _____

Street

City

State

Zip

Residential Address (if different from above): _____

5 Protective Order:

Is a party to this action protected from another party to the action by an order of protection?

☐ Yes☐ No

If yes, enter name(s) of protected party(ies): _____

6 Employer/Income Source Information:

Provide information about the payor's employment or periodic source of income. (Attach additional pages if needed)

☐ Check here if this order requires both parties to pay support. If checked, skip Parts 6 & 7, and complete Parts 8, 9, 10 & 11.

Name of Employer or Source of Income _____

Telephone # _____

7 Support Order Date Order Signed:

Chose type of support and enter appropriate information.

If applicable, arrears due at time of order: \$ _____

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty	Fees*	Interest*
<input type="checkbox"/> Child Support:	\$				\$	\$	\$	\$
<input type="checkbox"/> Medical Support	\$				\$	\$	\$	\$
<input type="checkbox"/> Spousal Support:	\$				\$	\$	\$	\$

(Alimony)

(*list amounts included in judgment)

Is payor exempt from income withholding under MCA 40-5-315?

☐ Yes☐ No☐ Tribal Order

List any special terms/conditions of the support order(s): _____

Was Parent 1 represented by an attorney?

☐ Yes☐ No

Was Parent 2 represented by an attorney?

☐ Yes☐ No

Information from child support guidelines worksheet:

Parent 1: "Income after deductions" \$ _____

"Credit for Payment of Expenses" \$ _____

Parent 2: "Income after deductions" \$ _____

"Credit for Payment of Expenses" \$ _____

8 Health Insurance: (Attach additional pages if needed.)

Is health insurance provided for the children?

☐ Yes☐ No (If no, answer last question in this section)

Name and relationship of party providing insurance: _____

Policy No. _____

Name of insurance carrier or health benefit plan: _____

Address of insurance carrier or health benefit plan: _____

Names of children covered: _____

Terms/conditions of coverage: _____

If children are not covered, is coverage available through

Parent 1 employer?

☐ Yes☐ No

Parent 2 employer?

☐ Yes☐ No**9 This form was completed by: Name/Title:**

Telephone #: _____

Signature: _____

Date: _____

Complete next page if both parties are ordered to pay child support

Information contained in this form is private and confidential.

It may only be shared with courts, agencies and individuals authorized by MCA 40-5-923.

Multiple Payors: Complete Parts 10 and 11 only if the order requires both parties to pay support.

10--Parent 1--Employer/Income Source Information:

Provide information about parent 1 employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income

Telephone #

Street

City

State

Zip

10--Parent 2--Employer/Income Source Information:

Provide information about parent 2 employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income

Telephone #

Street

City

State

Zip

11--Parent 1--Support Order Date Order Signed:

Parent 1 Support Obligation:

If applicable, arrears due at time of order: \$

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty	Fees*	Interest*
<input type="checkbox"/> Child Support:	\$				\$	\$	\$	\$
<input type="checkbox"/> Medical Support	\$				\$	\$	\$	\$
<input type="checkbox"/> Spousal Support:	\$				\$	\$	\$	\$

(Alimony)

(*list amounts in included in judgment)

Is Parent 1 exempt from income withholding under MCA 40-5-315? ☐ Yes ☐ No ☐ Tribal Order

11--Parent 2--Support Order Date Order Signed:

Parent 2 Support Obligation:

If applicable, arrears due at time of order: \$

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty	Fees*	Interest*
<input type="checkbox"/> Child Support:	\$				\$	\$	\$	\$
<input type="checkbox"/> Medical Support	\$				\$	\$	\$	\$
<input type="checkbox"/> Spousal Support:	\$				\$	\$	\$	\$

(Alimony)

(*list amounts in included in judgment)

Is Parent 2 exempt from income withholding under MCA 40-5-315? ☐ Yes ☐ No ☐ Tribal Order

List any special terms/conditions of the support order(s):

Was Parent 1 represented by an attorney? ☐ Yes ☐ No

Was Parent 2 represented by an attorney? ☐ Yes ☐ No

Information from child support guidelines worksheet:

Parent 1: "Income after deductions": \$

"Credit for Payment of Expenses": \$

Parent 2: "Income after deductions": \$

"Credit for Payment of Expenses": \$

Save Form

Print Form

Clear Form

Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (optional)

☐ Petitioner/Plaintiff ☐ Respondent/Defendant

☐ MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

☐ IN THE JUSTICE COURT OF _____ COUNTY, STATE OF MONTANA

☐ IN THE MUNICIPAL OR CITY COURT OF _____, MONTANA

Petitioner / Plaintiff,

and

Respondent / Defendant.

Case No: _____

(leave blank, the clerk will write in)

Statement of Inability to Pay Court Costs and
Fees

I have a good cause of action or defense but am unable to pay filing or other court fees. I request the court waive the costs and fees. I provide the following information.

My full legal name is: _____. I was born in this month _____ and this year _____.

☐ I am represented by an entity that provides free legal services to low-income persons.

Or

☐ I am represented by a volunteer/pro bono attorney, and am financially eligible for free legal services. (Attach a certificate of eligibility from legal aid organization to this form.)

Or

☐ I receive one or more of these benefits: (Check the box for each benefit you receive.)

☐ SNAP ☐ TANF ☐ SSI ☐ Medicaid ☐ WIC ☐ LIEAP

If you checked any one of the three boxes above, skip to the end of this form, and sign the declaration on page 3. You don't need to fill out the remainder of the form.

If you did not check a box above, you may still qualify for a fee waiver. Please continue to fill out pages 2 and 3 of this form so the court has the information it needs to decide if you qualify for the fee waiver.

I. INCOME (Complete this Section to the best of your ability.)

What do you do for work? _____ Who is your employer? _____

What is your household's annual income, before taxes? _____ How many people are in your household? ____
(The tables below will help you answer these questions, if you are not sure what to put in the blanks.)

If you are unemployed, when were you last employed (Month, Year)? _____ Your job? _____

Are you married? ☐ Yes ☐ No ☐ Separated ☐ Getting Divorced **NOTE:** If you are not married, if you and your spouse are separated, or if one of you is filing for dissolution of marriage, you do not need to provide your spouse's income below.

Fill in the chart below with the income received by you, and by your spouse, if applicable. Put a "0" in each blank if you or your spouse don't receive the income listed.

Income Sources	Amount YOU receive per month before taxes	Amount YOUR SPOUSE receives per month before taxes
Employment	\$	\$
Retirement/Pension	\$	\$
Workers' Compensation	\$	\$
Social Security	\$	\$
Unemployment	\$	\$
Government Benefits	\$	\$
Child Support Received	\$	\$
A person or agency pays my rent or other monthly expenses and the amount is: _____	\$	\$
Other Income—e.g., rental income, stocks, investments, etc.—describe: _____	\$	\$
Total here:	\$	\$

What is your household size? How many persons, if any, depend on you financially? If none, then write "N/A" below. Attach another page if needed and check here to tell the court you attached another page: ☐

Dependents (Initials Only)	Age	Relationship to You
1.		
2.		
3.		
4.		
5.		

II. ASSETS *(Complete this Section to the best of your ability.)*

What property do you and your spouse own? Include your spouse's property if you are married and not separated and not filing for dissolution. Fill in the chart below, only listing items that you could sell for \$600 or more. If you don't own an item listed, write "N/A" in the "Value" column for that item. "Value" means the total amount the item(s) identified in a column would sell for, minus the amount you still owe on the item(s), if anything.

Asset	Value
Cash (This includes the money in your savings and checking accounts)	\$
Vehicle 1: provide year, make and model _____	\$
Vehicle 2: provide year, make and model _____	\$
Home where you live now	\$
Real estate or other homes/mobile homes (Not including the home you are living in now)	\$
Recreational vehicle(s) such as snowmobile, ATV, camper/RV, boat, motorcycle, etc.	\$
Guns or other collections	\$
Other Item(s) worth more than \$600—describe: _____	\$

III. DEBTS AND EXTRAORDINARY EXPENSES *(Complete this Section to the best of your ability.)*

What bills do you and your spouse pay each month? Fill in the chart below.

Monthly Expenses	Value
Housing Expense: Mortgage or Rent	\$
General Household Expenses: Utilities, Phone/Internet/Cable, etc.	\$
Insurance Expenses, Healthcare Costs and/or Medical Debt(s)	\$
Childcare Expenses	\$
Other Extraordinary Expenses: e.g., Collection actions, Student Loans—describe: _____	\$

IV. ADDITIONAL INFORMATION *(This Section is optional.)*

If you have additional information that you want the court to consider about your inability to pay court costs, write that information under your signature below or attach an extra page. Check here if you attached another page: ☐

V. DECLARATION *(This Section is Required.)*

I declare under penalty of perjury and under the laws of the State of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Date: _____ City: _____ State: _____

YOUR Signature: _____

1 Matthew J. Cuffe
2 District Judge
3 512 California Avenue
4 Libby, MT 59923

5 **MONTANA NINETEENTH JUDICIAL DISTRICT COURT, LINCOLN COUNTY**

6 _____
7 _____)
8 _____)
9 Petitioner,) DR- _____
10 -vs-) Matthew J. Cuffe
11 _____) **ORDER WAIVING FEES**
12 Respondent..)
13 _____

14 Upon review of the applicant's Financial Affidavit and Request For Waiver of Filing
15 fees, and good cause appearing for granting the requested waiver at this time,

16 **IT IS HEREBY ORDERED:**

- 17 1. Pursuant to Section 25-10-404, MCA, all officers of this Court shall file
18 papers and perform services on _____'s behalf
19 without charging for fees or costs, in advance.
20 2. The court reserves the right to review this Order and to determine whether
21 fees or other costs should be paid at a later date.

22 Dated this _____ day of _____, 201 ____.

23 _____
24 District Judge

25 pc:
26

Name _____
Address _____
City _____ State _____ Zip Code _____
Phone Number _____
PETITIONER PRO SE

FORM #66P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of

(use initials)

(use initials)

Minor Child(ren)

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

Matthew J. Cuffe

**PETITIONER'S PROPOSAL
FOR PARENTING PLAN**

1. Identification of the Parties

- a. Petitioner's Name: _____
Address: _____
b. Respondent's Name: _____
Address: _____

2. Identification of the Child(ren)

This parenting plan applies to the following minor child(ren) of the parties:

Name (use initials)	Year of Birth	State of residence for last 6 months

3. Objectives of the Parenting Plan

- a. To protect the best interest(s) of the minor child(ren);
- b. To provide for the physical care of the minor child(ren);
- c. To maintain the child(ren)'s emotional stability and minimize the child(ren)'s exposure to parental conflict;
- d. To provide for the minor child(ren)'s changing needs as they grow and mature;
- e. To set forth the authority and responsibilities of each parent with respect to the minor child(ren);
- f. To help the parents avoid expensive future court battles over the minor child(ren).

4. Residential Schedule for the Child(ren) *The provisions set forth below in Paragraphs 4(a)-(i) are one way to write your residential schedule. This schedule is designed to provide for the child(ren)'s changing needs as they grow and mature. It specifies the periods of time during which the child(ren) will reside with each parent, including holidays, vacations, and other special occasions. If you choose not to use the provisions provided, you may write your own schedule in Paragraph 4(j) below.*

a. Pre-School Schedule (Choose One):

- ☐ There are no child(ren) under school age.
- ☐ There are child(ren) under school age, but the school schedule set forth in 4(b) below shall apply to the child(ren) regardless of their age(s).
- ☐ Prior to enrollment in school, the child(ren) shall reside primarily with the
☐ Mother ☐ Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

or

- ☐ Describe the residential schedule for the minor child(ren) prior to their enrollment in school: _____

b. School Schedule (Choose One):

- ☐ Upon enrollment in school, the child(ren) shall reside with the
☐ Mother ☐ Father, except for the following days and times when the
other parent shall have parenting time with the child(ren):

or

☐

Describe the residential schedule for the minor child(ren):

c. Holiday and Special Occasion Schedule

- ☐ No holiday and special occasion schedule shall apply. The school year or
pre-school schedule set forth above shall apply.

or

- ☐ The following schedule shall apply for the holidays and special occasions
listed below:

(Specify Odd or Even)		
HOLIDAY	MOTHER	FATHER
Thanksgiving		
First half Christmas vacation		
Second half Christmas vacation		
Spring Break		
Fourth of July		
Halloween		
Mother's Day		
Father's Day		

HOLIDAY	MOTHER	FATHER

The child(ren)'s school attendance shall take priority over the holiday and special day schedule. The child(ren) **shall not** miss school because of the holiday or special occasion schedule.

d. Winter Vacation (Choose One):

☐ No winter vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

☐ (i) The parent exercising parenting time with the child(ren) on Christmas Eve (as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

(ii) The parent exercising parenting time with the child(ren) on Christmas Day (as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

or

☐ Describe the residential schedule for the child(ren)'s winter vacation:

e. Summer Vacation (Choose One):

☐ No summer vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

☐ The child(ren) shall reside with the ☐ Mother ☐ Father during summer vacations, except for the following days and times when the child(ren) shall be with the other parent: _____

or

☐ Describe the residential schedule for the child(ren)'s summer vacation:

f. Spring Break (Choose One):

☐ No Spring Break schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

☐ The child(ren) shall reside with the ☐ Mother ☐ Father during Spring Break, except for the following days and times when the child(ren) shall be with the other parent: _____

or

☐ Describe the residential schedule for the child(ren)'s Spring Break:

g. Other Vacations with Parents

Describe the schedules for any other vacations with the parents:

h. Priorities under the Residential Schedule

If the residential schedule outlined above results in a conflict where the child(ren) are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being given as follows:

☐ Rank the order of priority, with 1 being the highest priority

____ Preschool and School Schedule

____ Holidays/Special Occasions

____ Winter/Summer/Spring Break Vacations

____ Other Vacations with Parents

or

☐ Other: _____

i. Supervised and Limited Visitation (Choose One):

☐ The residential schedule listed above is not subject to any additional restrictions or limitations on parenting time.

or

- ☐ (i) The ☐ Mother's ☐ Father's parenting time shall be supervised or limited because he/she has exhibited the following behavior which is not in the best interest(s) of the minor child(ren):

_____.

- (ii) It is in the best interest(s) of the minor child(ren) that the ☐ Mother's ☐ Father's parenting time be subject to the following conditions:

How Often/ For How Long: _____

Where: _____

Supervised by Whom: _____.

- (iii) The supervised and limited visitation conditions shall take priority over any other terms of the residential schedule above.

- (iv) If the ☐ Mother ☐ Father has completed the following and has followed through with any and all recommendations by the evaluator, treatment counselor, and/or other professional recommendations, the ☐ Mother ☐ Father agrees to consider a modification to allow less restricted visitation after _____ months of supervised and limited visitation. (Check All That Apply):

☐ Alcohol / drug evaluation

☐ Substance abuse treatment

☐ Psychological evaluation

☐ Anger management counseling

☐ Parenting classes

☐ Other: _____.

☐ Other: _____.

j. Other: _____

_____.

5. Designation of Custodian

For the purpose of all other state and federal statutes which require a designation or determination of custody, the ☐ Mother ☐ Father shall be designated the custodian. However, this designation shall not affect either parent's rights and responsibilities under this parenting plan.

6. Transportation Arrangements (Choose All That Apply):

- ☐ Transportation arrangements for the child(ren) between parents shall be as follows:

- ☐ Unless both parents agree upon a different meeting place, the exchange of the child(ren) shall be at: _____.

- ☐ Transportation costs shall be distributed as follows: _____.

- ☐ If the ☐ Mother ☐ Father is more than ____ minutes late to pick the child(ren) up for a visit, that visit shall be canceled.

7. Telephone Contact (Choose One):

- ☐ While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at reasonable times.

or

- ☐ While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at the following times only: _____.

_____.

8. Co-Parenting Guidelines (Choose All That Apply):

- ☐ Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).

- ☐ Each parent shall notify the other parent at least _____ days in advance when a particular parenting time shall not be exercised. The missed time shall not be substituted unless mutually agreed to by both parents. The parents are expected to fairly modify visitation when family necessities, illnesses, or other commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.

- ☐ Each parent shall supply the appropriate child(ren)'s clothing with them for their scheduled time with the other parent. These clothes are to be considered the child(ren)'s clothes and shall be returned with the child(ren).

- ☐ Each parent shall provide separate clothes for the child(ren) at their own residence, unless mutually agreed to by both parents. In the cold months of the year, both parents are required to have adequate boots, gloves, hats, and jackets for the child(ren), unless mutually agreed to by both parents.

- ☐ If a parent plans a special activity that requires clothing and/or equipment that would normally not be with the child(ren), it is that parent's responsibility to check and see if the child(ren) have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travels with the child(ren), and to ensure that the clothing and/or equipment returns the same with the child(ren).

- ☐ Each parent shall be responsible for ensuring that the child(ren) attend regularly scheduled activities, including but not limited to sports and extra-curricular activities, while the child(ren) are with that parent.
- ☐ Neither parent shall permit the child(ren) to be subjected to:
(Choose All That Apply):
- ☐ Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren). This includes the abuse of alcohol or the use of illegal drugs by the parent.
 - ☐ Smoking environment.
 - ☐ Use of profane language.
 - ☐ Removal of the child(ren) from Montana, except as authorized by the Court or mutually agreed to by both parents.
 - ☐ Other: _____.
 - ☐ Other: _____.
 - ☐ Any violation of these terms will result in the immediate termination of that parent's contact with the child(ren).
- ☐ Relationships between the child(ren) and relatives and family friends on both sides of the family shall be protected and encouraged. The parents shall have their child(ren) maintain ties with both the maternal and paternal relatives. In Montana, grandparents have a legal right to request a court to order reasonable visitation with their grandchild(ren), if it is in the best interest(s) of the child(ren). Usually the child(ren) will visit with the paternal relatives during times the child(ren) are with their father and with the maternal relatives during times they are with their mother.

9. Decision Making

a. Day-to-Day Decisions

Each parent shall be authorized to make decisions regarding the day-to-day care and control of the child(ren) while the child(ren) are residing with that parent, unless or except as provided below (Choose All That Apply):

- ☐ Sole decision making shall be granted to the ☐ Mother ☐ Father for the following reasons: _____.
- ☐ Major decisions concerning the child(ren)'s education shall be made by ☐ the Mother ☐ the Father ☐ both parents jointly.
- ☐ Major decisions concerning the non-emergency health care of the child(ren) shall be made by ☐ the Mother ☐ the Father ☐ both parents jointly.
- ☐ Major decisions concerning the spiritual development of the child(ren) shall be made by ☐ the Mother ☐ the Father ☐ both parents jointly.

☐ The consent of both parents shall be required before any minor child(ren) shall be permitted to (Choose All That Apply):

☐ Get a tattoo

☐ Pierce any body part

☐ Marry

☐ Enlist in the armed services

☐ Other: _____

☐ Other: _____

☐ Other: _____

b. Emergency Decisions

Regardless of the allocation of decision making in this parenting plan, each parent shall be authorized to make emergency decisions affecting the health or safety of the child(ren).

10. Access to Information

a. As required by M.C.A. § 40-4-225, both parents shall have access to all information relating to their child(ren) including, but not limited to, school records, counseling records, medical and dental records.

b. As required by M.C.A. § 40-4-204(6)(a), both parents shall update each other and the Court with written notice of changes to the following information:

(i) Residential and mailing addresses;

(ii) Telephone number;

(iii) Social Security number;

(iv) Driver's license number;

(v) Name, address, and phone number of employers;

(vi) Health insurance coverage for the child(ren);

(vii) Health insurance available through either parent's employer which could cover the minor child(ren).

☐ It is appropriate that the personal information of the ☐ Mother ☐ Father shall remain confidential and shall not be provided to the other parent because:

11. Residential Changes

As required by M.C.A. § 40-4-217, if a parent's change in residence will significantly affect the other parent's contact with the child(ren), written notice shall be served personally or sent by certified mail to the other parent not less than 30 days before the proposed change in residence and must include a proposed revised residential schedule. Proof of service must be filed with the court that adopted the parenting plan. Failure of the parent who receives notice to respond to the written notice or to seek amendment of the residential schedule within the 30-day period constitutes acceptance of the proposed revised residential schedule.

12. Review of Parenting Plan (Optional)

☐ The parents will review this parenting plan at the following times:

13. Dispute Resolution

The following shall apply when disputes arise between the parents in carrying out or amending this parenting plan (Choose One):

☐ No alternative dispute resolution process, except court action, shall apply unless ordered at the discretion of the Court.

☐ No alternative dispute resolution process is appropriate. The following limiting factors exist, as provided in M.C.A. § 40-4-219(9) (Choose All That Apply):

☐ This is a case of physical abuse or threat of physical abuse by one parent against the other parent or the child(ren).

☐ A parent has been convicted of deliberate homicide, mitigated deliberate homicide, sexual assault, sexual intercourse without consent, deviate sexual conduct with an animal, incest, aggravated promotion of prostitution of a child, endangering the welfare of children, partner or family member assault, or sexual abuse of children.

or

☐ a. Disputes between the parents shall be submitted to mediation, counseling, or arbitration by: _____

b. The cost of this process shall be allocated between the parents as follows (Choose One):

☐ Based on each parent's proportional share of income as determined from the child support worksheet.

☐ As determined in the dispute resolution process.

☐ Mother: _____ %, Father: _____ %.

c. A parent will begin the dispute resolution process by notifying the other parent by written request sent by certified mail.

d. In the dispute resolution process:

(i) Preference shall be given to carrying out this parenting plan.

(ii) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.

(iii) A written record shall be prepared of any agreement or arbitration award reached in counseling or mediation, and a copy shall be provided to each parent.

(iv) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney's fees and financial sanctions to the other parent.

(v) The parents have the right of review from the dispute resolution process to the district court.

14. Other Provisions: _____

WARNING: One parent's failure to comply with a provision of the parenting plan will not affect the other parent's obligation to comply with the parenting plan. Violation of any provision of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under M.C.A. §§ 45-5-631 or 45-7-309. Violation of the Final Parenting Plan may subject a violator to arrest and a fine up to \$500 or imprisonment in the county jail.

DATED this _____ day of _____, 20__.

Petitioner, *Pro se*

STATE OF MONTANA)
) ss.
COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is a Petitioner in the above-entitled proceeding; that he/she has read the foregoing Parenting Plan and knows the contents thereof; and that the matter, facts and things stated therein are true to the best of his/her knowledge and belief.

Petitioner, *Pro se*

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__.

(Seal)

Name (*printed*): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

Name

Address

City State Zip Code

Phone Number
PETITIONER PRO SE

FORM #68P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of

(use initials)

(use initials)

Minor Child(ren)

_____,
Petitioner,
and

_____,
Respondent.

Cause No.: _____

**CONFIDENTIAL
REPORT OF IDENTIFICATION
INFORMATION**

COMES NOW Petitioner Pro Se _____ to provide the following information to the Court, and request that the information contained herein be sealed and be held confidential and that neither the Clerk of Court, nor any other government agency of the State, such as CSED, be allowed to divulge this information about Petitioner.

Petitioner's Social Security Number: _____

Respondent's Social Security Number: _____

The minor child(ren)'s date(s) of birth and address(es):

_____ Name	_____ DoB	_____ Address
_____ Name	_____ DoB	_____ Address
_____ Name	_____ DoB	_____ Address
_____ Name	_____ DoB	_____ Address

DATED this _____ day of _____, 20__.

PETITIONER, *Pro se*

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Confidential Report of Identification Information was mailed on the ____ day of _____, 20__, postage prepaid and addressed to each of the following:

Child Support Enforcement Division (with copy of Petition)
2675 Palmer Street, Suite C
Missoula MT 59808

Petitioner Pro Se

Name

Mailing Address

City, State Zip Code

Phone Number

Petitioner appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

In re the Parenting of:

(name(s) of minor child(ren))

(First, Middle, Last) Petitioner (you),
and

(First, Middle, Last) Respondent (other parent).

Case No: _____

(leave blank, the clerk will complete)

Summons

NOTICE: You are named in this family-law lawsuit. The court may make a decision without your involvement unless you submit a written response to the court and to the Petitioner within 21 days. Read the information below.

A petition was filed with the Clerk of District Court asking the court to approve a final parenting plan for your children.

You must submit a written response to the Clerk of District Court and send a copy to the Petitioner within 21 calendar days. Day 1 of the 21-day period is the day after you received this Summons. If the 21st day falls on a weekend or court holiday, you may submit your response on the next business day. You must either pay a fee to submit your response or ask the court in writing to waive the fee. You can find forms for responding to a petition and waiving court fees at: www.courts.mt.gov.

If you do not submit a response, the court may give Petitioner everything they asked for in the Petition.

MP-414 Summons – Parenting Plan

© 2015 Montana Supreme Court and Montana Legal Services Association

This form may be used for non-commercial purposes only

DATED this _____ day of _____, 20____.

(Seal)

Clerk of Court

By: _____
Deputy Clerk

Name

Address

City State Zip Code

Phone Number

PETITIONER PRO SE

FORM #70P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor child(ren),

Petitioner,

and

Respondent.

Cause No.: _____

Matthew J. Cuffe

**NOTICE AND
ACKNOWLEDGMENT OF
RECEIPT OF SUMMONS AND
PETITION FOR ESTABLISHMENT
OF PERMANENT PARENTING
PLAN**

NOTICE

To: _____, the Respondent herein:

The following documents are served pursuant to Rule 4(d)(1)(b) of the Montana Rules of Civil Procedure:

- ☒ Summons (original and one copy)
- ☒ Petition for Establishment of Permanent Parenting Plan
- ☒ Petitioner's Proposal for Parenting Plan
- ☐ _____
- ☐ _____

If you want to avoid having the Sheriff serve you with the documents enclosed, you may complete the acknowledgment part of this form and return the completed form to the sender within 20 days after the date it was mailed to you, as shown below. You may retain the other enclosed copy of this form for your records.

By signing the Acknowledgment, you are agreeing to be served by mail instead of by the Sheriff. It does not mean that you agree to the contents of the Petition, and it does not take away any of your rights to contest the Petition.

If you decide to complete and return this form, you must sign and date the Acknowledgment below, and return it in the enclosed stamped return envelope.

If you do not complete and return this form to the sender within 20 days after the date it was mailed to you, as shown below, you may be required to pay any expenses incurred in serving the enclosed documents in any other manner permitted by law.

If you do complete and return this form, you must answer the Petition within 20 days after the date of signature which you place on the Acknowledgment below. If you fail to answer the complaint within the foregoing 20 day period, judgment by default will be taken against you for the relief demanded in the Petition.

CERTIFICATE OF MAILING

I declare under penalty of perjury that two copies of this Notice and Acknowledgment of Receipt of Summons and Petition, a stamped return envelope, and the following documents:

- ☒ Summons (original and one copy)
- ☒ Petition for Establishment of Permanent Parenting Plan
- ☒ Petitioner's Proposal for Parenting Plan
- ☐ _____
- ☐ _____

were sent to the Respondent by first class mail, postage prepaid on the _____ day of _____, 20____.

Date of Signature

Signature of Petitioner *Pro Se*

ACKNOWLEDGMENT OF RECEIPT

I declare, under penalty of perjury, that I am the Respondent and that I accept service in this action of the following:

- ☒ Summons (original and one copy)
- ☒ Petition for Establishment of Permanent Parenting Plan
- ☒ Petitioner's Proposal for Parenting Plan

and that I received a copy of these documents in the above captioned matter at (*address*):

on the _____ day of _____, 20____.

Date of Signature

Respondent's Signature

SUBSCRIBED AND SWORN to before me this _____ day of
_____, 20 ____.

(Notary Seal)

Notary Public for the State of Montana.

Residing at _____

My Commission Expires _____

Name

Address

City State Zip Code

Phone Number

PETITIONER PRO SE

FORM #71P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor child(ren),

_____,
Petitioner,
and

_____,
Respondent.

Cause No.: _____

Matthew J. Cuffe

PRAECIPE

To the Sheriff of Lincoln County:

Please serve upon the Respondent the following documents:

- ☒ Summons (original and one copy)
- ☒ Petition for Establishment of Permanent Parenting Plan
- ☒ Petitioner's Proposal for Parenting Plan
- ☐ _____
- ☐ _____

Also enclosed is: ☐ The Petitioner's Affidavit and Order of Inability to Pay Filing Fees
which waives the fee for service in this matter; OR
☐ \$_____ to cover the fee for service in this matter. (Fee amount
is subject to change)

1. A physical description of the Respondent is: _____

2. The Respondent ☐ does ☐ does not carry a weapon.
3. At present, the Respondent can be found:
☐ At his/her residence: _____
Times normally available at this address: _____
☐ At his/her place of employment: _____
Times normally available at this address: _____
☐ Other: _____
Times normally available at this address: _____

Please serve the papers on the Respondent as soon as possible. Please return the original Summons to me at the address above, along with proof of service or a statement that you were unable to locate the Respondent.

DATED this _____ day of _____, 20____.

Petitioner Pro Se

Print Name _____

Record of Service (for Sheriff's use only)

I hereby certify that (Choose One):

- [] I personally served the Summons and the accompanying documents listed herein on the Respondent by delivering a copy of said Summons and documents to him/her personally on the ____ day of _____, 20____, in the County of _____, State of _____.
- [] After due effort, I was unable to locate or serve the Respondent in the County of _____, State of _____.

DATED this ____ day of _____, 20____.

Sheriff

By: _____

Deputy Sheriff

Name

Address

City State Zip Code

Phone Number
PETITIONER PRO SE

FORM #72P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor child(ren);

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

STATUTORY NOTICE TO CSED

TO: THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

1. Pursuant to the requirements of Montana Code Annotated §40-5-202(5) (2003), you are hereby notified that the foregoing action involves one or more of the following issues: Paternity; establishment, enforcement, or modification of a child support obligation; or establishment, enforcement or modification of a medical support order.

2. The proceeding may involve a party for whom the Department is or has been providing Title IV-D services.

3. The names of the parties, their last known addresses and social security numbers (if known) are as follows:

	Name	Address
Mother:	_____	_____
	_____	_____
Father:	_____	_____
	_____	_____

4. The name of the child(ren), last known addresses and social security number (if known) are as follows:

	Child's Name (Initials only)	Address	Year of Birth
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

5. The Department may:

- (i) decline to enter the proceeding as a party, in which case the proceeding may continue without the Department's participation;
- (ii) inform the tribunal that a substantial interest of the Department could be adversely affected by the proceeding, in which case the proceeding may not continue without joining the Department as a necessary party in the manner provided in the Montana Rules of Civil Procedure; or
- (iii) inform the tribunal that prior to the filing of the proceeding, the Department initiated an administrative proceeding under this chapter in which the parties and some or all of the issues are the same as those in the proceeding before the tribunal. The tribunal shall then discontinue the proceeding as to the common issues until administrative remedies have been exhausted.

Montana Code Annotated §40-4-202(5) (2003)

6. This Notice is to be served personally upon the Department. The Department has twenty (20) days following service to act.

DATED this ____ day of _____, 20____.

Petitioner

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document was sent by U.S. Mail, postage prepaid, addressed to:

Attorney General
215 North Sanders
Helena, Montana 59620-1401

State of Montana
Department of Public Health & Human Services
Child Support Enforcement Division
2675 Palmer Street - Suite C
Missoula, MT 59808

(Name and address of Respondent):

DATED this ____ day of _____, 20____.

Petitioner, *Pro se*

Name _____
Address _____
City _____ State _____ Zip Code _____
Phone Number _____
PETITIONER PRO SE

FORM
#72aP

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor child(ren);

_____,
Petitioner,
and

_____,
Respondent.

Cause No.: _____

Matthew J. Cuffe

**ACKNOWLEDGEMENT BY
ATTORNEY GENERAL**

I, the undersigned, do hereby accept and acknowledge receipt of a copy of the Statutory Notice to CSED, filed in the above-entitled action.

DATED this ____ day of _____, 20 ____.

By: _____
Attorney General Office



Name _____

Address _____

City _____ State _____ Zip Code _____

Phone Number _____

PETITIONER PRO SE

FORM #73P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor Child(ren);

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

Matthew J. Cuffe

**DEPARTMENT OF PUBLIC
HEALTH & HUMAN SERVICES
DECLINATION TO ENTER
PROCEEDING AS A PARTY**

COMES NOW, _____,

Counsel for the Department of Public Health and Human Services, to declare that the Department of Public Health and Human Services hereby declines to enter the foregoing proceedings as a party and consents that the proceeding may continue without the Department's participation.

DATED this ____ day of _____, 20____.

Counsel, Dept. of Public Health & Human Services

INSTRUCTIONS TO DPHHS:

(File this form with the Clerk of Court, 19th Judicial District,
512 California Avenue, Libby, Montana 59923)

Name _____
Address _____
City _____ State _____ Zip Code _____
Phone Number _____
PETITIONER PRO SE

FORM #74P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor Child(ren);

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

Matthew J. Cuffe

**ACCEPTANCE OF SERVICE OF
STATUTORY NOTICE TO CSED**

TO: Department of Public Health and Human Services

I declare, under penalty of perjury, that I received a copy of the STATUTORY NOTICE TO CSED, dated _____, 20____ in the above-captioned matter and that I hereby accept and acknowledge service.

DATED this ____ day of _____, 20____.

By:_____

STATE OF MONTANA)
 :ss
County of _____)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(SEAL)

NOTARY PUBLIC, for the State of Montana
Printed Name:_____
Residing At:_____
My Commission Expires:_____

(Date)

Department of Health & Human Services
Child Support Enforcement Division - Attn: Legal Counsel
2675 Palmer Street - Suite C
Missoula MT 59808

RE: Notice of Proceeding

To Whom It May Concern::

I am enclosing the following:

- Statutory Notice to CSED
- Department Declination to Enter Proceedings as a Party
- Acceptance of Service

Please sign the Acceptance of Service and ask your staff to check the records and determine whether the Department has ever provided services to these parties. Please return the Acceptance of Service to me. For your convenience, I have enclosed a self-addressed stamped envelope.

Thank you.

Sincerely,

Signature of Petitioner *Pro se*

(Address)

(Phone)

cc: _____
(Name of Respondent)

MONTANA CHILD SUPPORT GUIDELINES FINANCIAL AFFIDAVIT

INSTRUCTIONS FOR COMPLETING THIS FORM: Provide complete information, attaching additional pages if needed. If a question or statement does not apply to you, DO NOT LEAVE IT BLANK; instead, mark it as "Not Applicable" or "N/A." Be sure to sign this form and have your signature notarized.

A. PERSONAL INFORMATION

Full Name: _____ Work Phone No.: _____
 Home Address: _____ Home/Cell No.: _____
 _____ Date of Birth: _____
 Mailing Address: _____ Case Number: _____
 _____ Driver's License No.: _____

What is your tax filing status? ☐ Single ☐ Married, joint ☐ Married, separate ☐ Head of Household

List the people you claim as tax exemptions _____

If you are married and file taxes jointly, please provide your current spouse's annual income so that tax credits may be calculated accurately. \$ _____

Did you finish high school? ☐ Yes ☐ No If no, indicate highest grade completed: _____

List all schools attended following high school. Include training school, college or university, trade school.

School Name	Course of Study	Completion Date	Degree/Diploma

B. CHILDREN

1. List all of your natural and adopted children (do not include stepchildren)

Child's Full Name	Date of Birth Month/Day/Year	Who does child live with?	Are you ordered to pay support for this child?
			<input type="checkbox"/> No <input type="checkbox"/> Yes \$ amount/month
			<input type="checkbox"/> No <input type="checkbox"/> Yes \$ amount/month
			<input type="checkbox"/> No <input type="checkbox"/> Yes \$ amount/month
			<input type="checkbox"/> No <input type="checkbox"/> Yes \$ amount/month
			<input type="checkbox"/> No <input type="checkbox"/> Yes \$ amount/month
			<input type="checkbox"/> No <input type="checkbox"/> Yes \$ amount/month

ATTACH A COPY OF ANY ORDER REQUIRING CHILD SUPPORT TO BE PAID FOR THESE CHILDREN.

2. Complete the table below for all expenses you pay and benefits you receive on behalf of all children shown in the previous table. Attach proof for the items listed below. Do **NOT** list amounts paid by other parent.

Child's First Name	Annual Day Care Costs	Annual Unreimbursed Medical Expenses	Annual Dependent's Benefits Received*	How many days does child spend with you per year?**	Annual Miles Driven for Long Distance Parenting	Other Transportation Costs for Long Distance Parenting***

* For example - Social Security Benefits

** The majority of a 24 hour period the children are in your control

*** Do not include lodging, food and entertainment

3. Do you receive reimbursement for day care expenses? ☐ No ☐ Yes \$ _____/month reimbursement

4. If any of the children listed above have ongoing medical expenses, please describe. _____

5. Do you have health insurance available to you through employment or other group? ☐ No ☐ Yes

If no, skip to Section C. If yes, to have the cost included in your child support calculation, you must do one of the following before the final order is entered:

A. Prove that you currently have insurance coverage in effect for the children; or

B. Obtain verification from the insurance carrier that you have paid a premium with the intent to enroll the children.

Name everyone who is covered by this policy: _____

Regardless of whether your children are covered, complete the following:

Insurance Co. Name: _____

Address: _____

Policy Number: _____

Certificate Number: _____

\$ _____ Total cost of health insurance premium per month, including your children (whether or not you and the children are currently enrolled).

\$ _____ Adult's portion of premium.

\$ _____ Child(ren)'s portion of premium.

\$ _____ Portion of premium to be paid by you each month.

\$ _____ Portion of premium to be paid by employer or other group each month.

C. EMPLOYMENT

1. List your current or most recent employer(s) first and your past two employers:

Employer's Name, Address, and Telephone Number	Dates of Employment	Average Hours Worked and Current or Ending Pay	P-Permanent T-Temporary S-Seasonal
_____	From _____ To _____	_____ hours/week _____ pay/hour	
_____	From _____ To _____	_____ hours/week _____ pay/hour	
_____	From _____ To _____	_____ hours/week _____ pay/hour	

2. What kinds of work do you/did you do for your employer(s)? _____

3. Do you belong to a union? ☐ No ☐ Yes If yes, name of union local, address, and amount of monthly dues: _____

4. Are you currently a student? ☐ No ☐ Yes If yes, provide a copy of your most recent registration statement showing tuition, fees, etc., and a copy of your most recent financial aid award letter. Please provide your expected date of graduation: _____

5. Is there any reason, such as disability, that prevents you from being able to work full-time or from being able to earn income at the same level you have in the past? ☐ No ☐ Yes If yes, please explain and provide a statement from your doctor or the Social Security Administration _____

6. Do you receive workers' compensation or occupational disease benefits? ☐ No ☐ Yes
If no, are you currently seeking workers' compensation benefits or occupational disease benefits? ☐ No ☐ Yes
If yes, who pays those benefits and what is your claim number: _____

7. Are you currently receiving unemployment benefits? ☐ No ☐ Yes
If yes, name of state or agency paying those benefits: _____

8. If unemployed or employed part-time, have you made any efforts to find full-time employment? ☐ No ☐ Yes
If no, why not? _____

If yes, describe your job search: _____

D. INCOME

1. List all income which you receive or have received in the last 12 months.

Income Source	Annual Amount	Income Source	Annual Amount
Gross Wages		Public Assistance	
Unemployment		Veterans' Disability	
Workers' Compensation		Spousal Support	
Social Security Benefits		Contract Receipts	
Retirement		Rental Income	
Interest/Dividend Income		Fringe Benefits/Bonuses	
Reimbursements		Profit (Loss) from Self-employment	
Educational Grants		Other	

2. Do you receive any non-cash benefits from your employer, such as housing, groceries, meat, car or truck, utilities, phone service? ☐ No ☐ Yes

If yes, describe the non-cash benefit you receive, how often you receive it, and the value of the benefit: _____

3. If you are self-employed, describe your self-employment activities: _____

How many hours per week do you spend engaged in self-employment activities? _____

Is your self-employment the primary source of your income for meeting your living expenses? ☐ No ☐ Yes

4. Have you, in the past 12 months, received any prize, award, settlement or other one-time cash payment? ☐ No ☐ Yes If yes, describe the payment, including the amount and its present location and value.

5. **ATTACH COPIES OF YOUR PAY STUBS FOR THE LAST THREE (3) MONTHS. ALSO ATTACH COMPLETE COPIES OF YOUR FEDERAL INCOME TAX RETURNS**, including all schedules filed and W-2 forms, for the last three (3) years. If you do not have pay stubs or W-2 forms, provide employer's statement. If you are self-employed, you must provide copies of your individual returns as well as the business (partnership or corporation) returns for the last three (3) years. You may wish to black out or obscure confidential information such as social security numbers or financial account numbers.

E. DEDUCTIONS AND EXPENSES

1. List deductions from gross wages, including costs for required uniforms or work related equipment. Attach pay stubs and proof of expenses.

DEDUCTION	AMOUNT	HOW OFTEN PAID?
Federal Income Tax		
State Income Tax		
FICA and Medicare		
Mandatory Retirement		
Required Work Related Costs		

2. Has a court ordered you to pay alimony? ☐ No ☐ Yes If yes, attach copy of order and proof of payments.
3. Do you have any extraordinary medical expenses for yourself, not reimbursed by insurance, your employer, or another, which are necessary for you to maintain your health or your earning capacity? ☐ No ☐ Yes
If yes, list yearly expenses and attach proof: _____
4. Please list any necessary expense you pay for in-home nursing care to enable you to work and for whom the expense is paid: _____
5. Is your contribution for retirement mandatory? ☐ No ☐ Yes
6. List employment related expenses not shown elsewhere: _____
7. Has a court ordered you to make payments for restitution, damages, etc.? ☐ No ☐ Yes If yes, provide a court order and proof of payments.
8. Please attach a list of monthly expenses if you feel it is important to show your financial situation.

F. ANTICIPATED CHANGES / ADDITIONAL COMMENTS

1. Please list any changes you expect in your or your child(ren)'s circumstances during the next 18 months which would affect the calculation of child support? _____

2. Additional Comments (a separate sheet may be attached): _____

VERIFICATION: You must sign this in front of a Notary Public.

STATE OF _____

COUNTY OF _____

I declare, subject to penalties for perjury and false swearing, that I have read the foregoing affidavit and that the information contained in it and all attachments to it is true and correct to the best of my knowledge, information and belief.

Date

Affiant

Signed and sworn before me, a Notary Public for this State, on the date and at the place written above.

(SEAL)

NOTARY PUBLIC

Print Name: _____

Residing at: _____

My Commission Expires: _____

HONORABLE MATTHEW J. CUFFE

District Judge
Nineteenth Judicial District
Lincoln County Courthouse
512 California Avenue
Libby, Montana 59923

FORM
#79Pa

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor Child(ren);

_____,
Petitioner,

and

_____,
Respondent.

Cause No.: _____

ORDER ADOPTING

☐ **JOINT/STIPULATED**

☐ **PETITIONER'S**

☐ **RESPONDENT'S**

**PROPOSED PARENTING PLAN AS
THE FINAL PARENTING PLAN**

Having entered Respondent's default, reviewed Petitioner's Proposed Parenting Plan, and finding it to be in the best interest of the minor child(ren), and for other good cause appearing,

IT IS HEREBY ORDERED that

1. The ☐ Joint/Stipulated Parenting Plan
☐ Petitioner's Proposed Parenting Plan
☐ Respondent's Proposed Parenting Plan

is adopted by this Court as the Final Parenting Plan, as it is in the best interests of the minor children; and

2. The parties are ordered to abide by its provisions.

3. Child support and medical support are addressed in the Final Decree Establishing Permanent Parenting Plan filed concurrently with this Order.

DISTRICT COURT JUDGE

HONORABLE Matthew J. Cuffe
District Judge
Nineteenth Judicial District
Lincoln County Courthouse
512 California Avenue
Libby, Montana 59923

FORM -
#80P2

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

<p>In re the Parenting of:</p> <p>_____</p> <p>(use initials)</p> <p>_____</p> <p>(use initials)</p> <p>Minor Child(ren).</p> <p>_____,</p> <p>Petitioner,</p> <p>and</p> <p>_____,</p> <p>Respondent.</p>	<p>Cause No.: _____</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE ESTABLISHING PERMANENT PARENTING PLAN</p>
--	---

The Petition for Establishment of Permanent Parenting plan, filed herein on the ____ day of _____, 20____, came for hearing this ____ day of _____, 20____. The Petitioner appeared pro se.

The Respondent ☐ did not appear or otherwise respond to the Petition. The Respondent's default was entered on the _____ day of _____, 20____.

☐ did not appear, but filed a Consent to Entry of Decree.

☐ appeared pro se.

☐ appeared and was represented by _____.

After considering all evidence and pleadings, the Court finds:

FINDINGS OF FACT

1. The Respondent was served with the Petition and Summons on the _____ day of _____, 20____.
2. The parties were never married.
3. The Petitioner has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.
4. The Petitioner is the ☐ Mother/☐ Father and the Respondent is the ☐ Mother/☐ Father of the following minor children:

Name (initials) _____ Year of Birth: _____

Name (initials) _____ Year of Birth: _____

Name (initials) _____ Year of Birth: _____

Name (initials) _____ Year of Birth: _____

5. Choose One:
☐ The child(ren) have lived in Montana for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in Montana since his/her birth.
☐ Montana was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in Montana.
☐ The child(ren) and one parent have had significant connections to Montana, and substantial evidence about them is available here.
☐ The child(ren) is/are physically present in Montana, and the child(ren) has/have been abandoned or an emergency exists requiring the child(ren)'s protection.
6. The Petitioner has filed a Proposed Parenting Plan that has been presented to this Court for examination and approval.

7. Choose One:

- ☐ Child support in the amount of \$_____ per month per child has been established by the Montana Child Support Enforcement Division or another appropriate administrative Agency or court. A copy of this Order is attached hereto as Exhibit ____.

Or

- ☐ The ☐ Petitioner ☐ Respondent needs financial assistance from the ☐ Petitioner ☐ Respondent to support the minor child(ren).

- a. The ☐ Petitioner ☐ Respondent shall pay \$_____ per month per child. This amount ☐ was ☐ was not determined in accordance with the Montana Child Support Guidelines. A copy of the Montana Child Support Guidelines worksheet is attached hereto as Exhibit ____.

8. Choose One:

- ☐ A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit ____.

or

- ☐ Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. Choose All That Apply:

- ☐ The child(ren) are presently covered under the following insurance plan:

Carrier Name: _____

Policy No.: _____

- ☐ The child(ren) are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).

- ☐ The child(ren) is/are not covered under an existing insurance plan.

9. The Department of Public Health and Human Services ☐ is ☐ is not providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act.

- ☐ If so, the Montana Child Support Enforcement Division and the Office of the Attorney General were served with copies of the Petition in this action. Both offices acknowledged service, copies of which are filed with the Court.

- ☐ This action does not establish, enforce, or modify the parties' previously established child support order.

10. Other Provisions: _____

11. All of the other allegations of the Petitioner's complaint not inconsistent herewith are true, and the relief requested should be granted.

FROM the above Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. The Court has jurisdiction over this cause.

2. The Petitioner's Proposed Parenting Plan, filed separately, is in the best interest(s) of the minor child(ren) and should be incorporated as the Final Parenting Plan into this Decree.

3. Choose One:

☐ The previously established Child Support Order attached hereto as Exhibit ____ is a valid order for the child support of the minor child(ren) of the parties.

or

☐ The ☐ Petitioner ☐ Respondent is entitled to \$_____ per month per child as child support to be paid according to the provisions as stated below.

4. Choose One:

☐ The previously established Medical Support Order attached hereto as Exhibit ____ is a valid order for the medical support of the minor child(ren) of the parties.

or

☐ The best interest(s) of the minor child(ren) require medical coverage according to the provisions of the final Medical Support Order, as stated below.

5. Other Provisions: _____

FROM the above Findings of Fact and Conclusions of Law, the Court orders the following:

DECREE ESTABLISHING PERMANENT PARENTING PLAN

1. The Petitioner's Proposed Parenting Plan filed by the Petitioner on the ____ day of _____, 20__ is hereby adopted as the Final Parenting Plan and made an integral part of this Decree. The parties are ordered to perform the provisions of the Final Parenting Plan.

2. Choose One:

☐ The Court acknowledges that a valid Child Support and Medical Support Order has already been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto. (*Skip to Number 3.*)

or

☐ The Court adopts the following Child Support Order and Medical Support Order for the support of the minor child(ren) of the parties:

Child Support Order

a. The ☐ Petitioner ☐ Respondent shall pay \$_____ per month per child.

b. The first payment is due the ____ day of _____, 20__, with subsequent payments to be made on the ____ day of each month thereafter.

Payments should continue until such time as each child reaches the age of 18 years and has completed high school, or attained the age of 19 years, or is emancipated by court order, whichever shall first occur.

c. Payments should be made payable to ☐ Petitioner ☐ Respondent and mailed to:

☐ Lincoln County Clerk of District Court, 512 California Avenue, Libby, MT 59923.

☐ This Child Support Order shall be exempt from immediate income withholding because:

WARNING: If a parent is delinquent in payments, that parent's income may be subject to income withholding procedures under MCA Title 40, Chapter 5, without need for any further action by the Court. Support is delinquent when it is 8 days overdue.

d. Whenever the case is receiving services under Title IV-D of the Social Security Act, support payments must be paid through the Department of Public Health and Human Services Child Support Enforcement Division as provided in M.C.A. § 40-5-909.

- e. This order is subject to review and modification by the Department of Public Health and Human Services upon the request of the Department or a party under M.C.A. §§ 40-5-271 through 40-5-273, when the Department is providing services for enforcement under Title IV-D of the Social Security Act.
- f. The obligations to provide financial child support, provide medical care for a child, and provide or comply with parenting arrangements shall be independent of each other, and the failure or inability to provide one or more shall not reduce any other obligation.
- g. Each party shall promptly inform the Court of any changes in the following information:
 - (i) Name, social security number, mailing address, residential address, telephone number, and driver's license number; and
 - (ii) Names, addresses, and telephone numbers of current employers.

WARNING: In any subsequent child support enforcement action, on sufficient showing of diligent efforts to locate the party, due process requirements for notice and service may be met by delivering written notice by regular mail to the last address of the party or the party's employer reported to the Court.

Medical Support Order -- Existing Coverage

Choose All That Apply:

- ☐ The child(ren) are presently covered under the following insurance plan:
 Carrier Name: _____
 Policy No.: _____
 The ☐ Petitioner ☐ Respondent shall continue to provide medical coverage through the plan as long as it is available at a reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- ☐ The child(ren) are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).
- ☐ The child(ren) are not covered under an existing insurance plan.

Contingency Medical Support

If the minor child(ren) are either (i) covered by Medicaid, (ii) are not covered under an existing insurance plan, or (iii) if the existing coverage becomes no longer available, the following provisions shall apply:

- a. The ☐ Petitioner ☐ Respondent shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

- b. The ☐ Petitioner ☐ Respondent shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- c. If health benefit plans are available to both parties at a combined cost that is reasonable or cost-beneficial and with benefits that are complementary or compatible as primary and secondary coverage, both parties shall provide coverage for the child(ren).
- d. Coverage is presumed to be available at reasonable cost if the cost of premiums does not exceed 25 percent of the obligated party's total child support obligation when calculated under the child support guidelines without credit for the medical support obligation.
- e. If circumstances change and a party believes that corresponding changes in cost are not reasonable or cost-beneficial, the party may move to petition any appropriate tribunal for relief.

Duties of the Parties

- a. The Petitioner shall be responsible for ____% and the Respondent shall be responsible for ____% of all medical expenses of the minor child(ren), including the costs of the premium for coverage, all co-payments and deductibles required for coverage, and any uncovered medical expenses.
- b. Each party shall promptly execute and deliver to the insurance provider all forms necessary to ensure the child(ren)'s continuous participation in insurance coverage. Each party shall timely submit claims for processing, verification, and payment. Each party shall provide the other party with identification cards or other methods for access to coverage.
- c. If a party receives a reimbursement but did not pay the underlying bill, that party shall promptly pay over the proceeds to the proper party.
- d. If the party responsible for providing medical insurance coverage for the child(ren) allows such coverage to lapse without securing a comparable replacement, that party shall be liable for all the child(ren)'s medical expenses and shall indemnify the other party, the Department of Public Health and Human Services, or any third-party custodian for the cost of obtaining medical coverage and medical expenses.
- e. Any liability for unpaid medical costs and expenses may be entered as a judgment for unpaid support against the obligated party. A party may apply to the Court for expedited enforcement procedures.

- f. If an obligated party fails to pay a required premium, the other parent, the Department of Public Health and Human Services, or the custodian may advance the cost of premiums and keep benefits continually in force for the child. The advance should be entered as a judgment for unpaid child support in favor of the advancing party and against the obligated parent.
- g. The obligation to provide medical coverage for the child(ren) ceases only when the child support obligation ceases.
- h. The costs of providing individual insurance or a health benefit plan may not be used as a direct offset to the child support obligation. However, as provided by the child support guidelines, the costs may be considered in making or modifying a child support order.
- i. Each party shall promptly inform the Court of any changes in the following information:
 - (i) If the child(ren) is/are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the name(s) of the person(s) covered;
 - (ii) If the child(ren) is not/are not covered by a health or medical insurance plan, whether health insurance coverage for the child(ren) is available through the party's employer or other group, and, if so, whether the employer or other group pays any portion of the coverage premium.
- j. A civil penalty not to exceed \$25 per day may be imposed for an intentional violation of this medical support order or the provisions of M.C.A Title 40, Chapter 5, Part 8 or the regulations promulgated under that Part.

WARNING: The obligations to provide medical care, provide financial child support, and provide or comply with visitation and custody arrangements are independent of each other, and the failure or inability to provide one or more does not reduce any other obligation.

11. Other Provisions: _____

DATED this ____ day of _____, 20____.

 DISTRICT COURT JUDGE

Name

Address

City

State

Zip Code

Phone Number

FORM #81P

**MONTANA NINETEENTH JUDICIAL DISTRICT COURT
LINCOLN COUNTY**

In re the Parenting of:

(use initials)

(use initials)

Minor Child(ren);

_____,
Petitioner,
and

_____,
Respondent.

Cause No.: _____

Matthew J. Cuffe

**NOTICE OF ENTRY OF FINAL
PARENTING PLAN**

Notice is hereby given that on the _____ day of _____, 20____, the
Court entered a Final Parenting Plan in the above-entitled action. A true and correct conformed
copy of the Final Parenting Plan is attached to this Notice and served upon you.

Dated this _____ day of _____, 20__.

Petitioner *Pro se*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Entry of Final Parenting Plan was served the _____ day of _____, 20__, by:

[] depositing the same in the U.S. Mail with postage pre-paid;

or

[] personally delivering this document to the following person.

(Insert Name
and Address
of Respondent)

Signature of Petitioner *Pro se*